

the gentleman from New York, that the Senator from South Dakota and both the Representatives from that State presented petitions of some 700 miners of that State objecting to the law applying to that State; and, so far as I am informed, no application was made for the passage of the bill from South Dakota, and it was the judgment of the conferees that it would be entirely satisfactory to the people of that State, and so the amendment was agreed to.

Mr. REED. "After what has been said by the gentleman from New York it is evident that there is nothing for the House to do but to adjourn.

Mr. WEADOCK. I have no objection to withdrawing the report.

Mr. PENCE. I do not think the gentleman from New York will insist on the course he has suggested if he fairly understands the case, and if I may be permitted to say a word as to the effect of the law I can explain it in a few minutes. The only people interested in this enactment are the people who are claimants for unpatented mining claims. Understand the statute provides—

Mr. WEADOCK. Mr. Speaker, I did not expect that the presentation of the conference report would provoke discussion at this time of the evening, and I will withdraw the report.

Mr. PENCE. I hope the gentleman will not do that, if there is any chance of prevailing upon the gentleman from New York to withdraw his opposition to the consideration of the conference report upon a full understanding of the matter.

Mr. RAY. I desire to say, Mr. Speaker, just one word in reply. I have several people in my district who are situated just as the other people are and who desire to be relieved of the effect of the law as it stands. They have claims in South Dakota, and everybody in the United States will be relieved except these men having claims there if this bill should pass as amended by the conferees. Now, I can see no justice in it; and if the House shall insist on a quorum on the adoption of this report and the passage of this bill they have the power to do it, but I shall oppose it so far as I am able.

The SPEAKER. The gentleman from Michigan withdraws the report; and he can present it at any time, as it is a question of the highest privilege.

Mr. BAILEY. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HOUK of Tennessee: A bill (H. R. 4307) for the relief of certain soldiers of the late war—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 4308) to further define the duties of the Federal courts concerning contempts and punishments therefor—to the Committee on the Judiciary.

By Mr. STORER (by request): A bill (H. R. 4309) for the purpose of experimenting with the projectile invented by Eli Norris—to the Committee on Military Affairs.

By Mr. HERMANN (by request): A bill (H. R. 4310) to provide a national circulating medium—to the Committee on Banking and Currency.

By Mr. McKEIGHAN: A bill (H. R. 4311) to provide for the construction of a public building at Hastings, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. CULBERSON: A bill (H. R. 4312) to provide for the revival of suits, by mandamus, against officers of the United States—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A joint resolution (H. Res. 82) to enable William Umbdenstock and the heirs of William T. Scott, deceased, all of Harrison County, Tex., to sue the United States—to the Committee on Claims.

By Mr. RICHARDSON of Tennessee: A resolution to allow the Committee on Printing an annual clerk—to the Committee on Accounts.

Also, a resolution to change the time when bills and joint resolutions shall be engrossed and to change Rule XXI of the House—to the Committee on Rules.

By Mr. HARTMAN: A resolution directing the Committee on the District of Columbia to inquire into the existence of certain obstructions in Canal street, between P and L streets, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. WASHINGTON (by request): A resolution instructing the Committee on the District of Columbia to inquire into the condition of Canal street, Washington, D. C.—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 4313) granting a pension to Ezekiel Marple, of North Topeka, Kans.—to the Committee on Invalid Pensions.

By Mr. COMPTON (by request): A bill (H. R. 4314) for the relief of the heirs of Margaret J. McMurry—to the Committee on War Claims.

By Mr. DE FOREST: A bill (H. R. 4315) for the relief of George Thompson—to the Committee on Pensions.

By Mr. HOUK of Tennessee: A bill (H. R. 4316) authorizing the Secretary of War to donate four condemned cannon to the Department of Tennessee, Grand Army of the Republic—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 4317) for the relief of Jacob Kern—to the Committee on Claims.

Also, a bill (H. R. 4318) for the relief of Robert M. Gardner—to the Committee on Claims.

By Mr. McKEIGHAN: A bill (H. R. 4319) for the relief of Rev. M. M. Travis—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 4320) for the relief of Dollie E. Vedder—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HENDRIX: Petition of the employes of the Planet Mills, of Brooklyn, N. Y., asking that no changes be made in Schedule J of the tariff—to the Committee on Ways and Means.

By Mr. HERMANN: Memorial of the Chamber of Commerce of Portland, Oregon, for pilot chart of the North Pacific—to the Committee on Appropriations.

By Mr. HITT: Memorial of the commissioners of the Illinois and Michigan Canal, favoring a removal of the dams and deepening of the Illinois River—to the Committee on Rivers and Harbors.

By Mr. RUSSELL of Connecticut: Petition of citizens of Putnam, Conn., in favor of the repeal of the Sherman silver law and the appointment of a commission to consider and recommend a plan of currency—to the Committee on Banking and Currency.

By Mr. SPRINGER: Petition of the commissioners of the Illinois and Michigan Canal, in regard to improvements of the Illinois River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Illinois: Affidavit of Albert G. Thomas in the case of Thomas D. Wagoner—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, November 1, 1893.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ASSISTANT CUSTODIANS AND JANITORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of October 17, 1893, a list of persons employed in public buildings as assistant custodians, etc.; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a memorial of Rev. Gilbert Reid, a gentleman long a missionary in China, representing, I believe, the opinion and desire of the highly respectable persons who have prosecuted the work of the American Board of Missions in that Empire. I desire that the memorial, which is very brief, and states the view I have heretofore suggested, and which is accompanied by the draft of such a bill as would carry out the view, be printed as a document. I ask unanimous consent for that purpose.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The memorial will lie on the table and be printed as a document.

Mr. PLATT. I present resolutions in the nature of a petition from the Central Labor Union, of Hartford, Conn., praying that the new Printing Office to be built by the Government shall be constructed by day's labor. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CULLOM presented the petition of A. Y. Trogdon, of Champaign, Ill., praying for the publication of all pension decisions made by the Board of Pension Appeals, etc.; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 420) granting the right of way for the construction of a railroad and other improvements through and on the Hot Springs Reservation, State of Arkansas, reported it with an amendment.

Mr. DOLPH. By direction of a majority of the Committee on Public Lands I report back favorably with an amendment the bill (S. 945) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," and submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. TELLER, from the Committee on the Judiciary, to whom was referred the bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892, reported it without amendment.

FORT LARAMIE MILITARY RESERVATION BRIDGES.

Mr. CAREY. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 591) "to donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes," to report it with an amendment. I ask unanimous consent for the present consideration of the bill. I think there can be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read as follows:

Be it enacted, etc., That the bridges erected on the Fort Laramie military reservation by the United States in the county of Laramie, Wyo., are hereby donated to the said county of Laramie, on the condition that the said county shall keep the said bridges in repair and open, free of charge, for the use of the traveling public and the military authorities of the United States, and the Secretary of the Interior shall reserve from sale and entry of the public lands the grounds upon which the said bridges are located and sufficient land for their protection and for approaches thereto.

SEC. 2. That this act shall be of no effect one year after the date of its passage unless the said county of Laramie shall file in writing, within the said period, with the Secretary of the Interior, its acceptance of the terms of this act.

The amendment of the Committee on Public Lands was to add at the end of the bill the following proviso:

Provided, That if the said county shall at any time fail to conform to the conditions of this act, the said bridges and the lands that may be reserved shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAREY. I ask that the letters of the Secretary of the Interior and the Commissioner of the General Land Office approving the donation provided by the bill be published in the RECORD for the information of the other House.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 14, 1893.

SIR: I transmit herewith report from the Commissioner of the General Land Office on Senate bill No. 591, entitled "A bill to donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes."

I know of no objection to urge against the passage of said bill, and I submit, for your information, the report of the Commissioner without further comment thereon.

Very respectfully,

HOKE SMITH,
Secretary.

HON. JAMES H. BERRY,
Chairman Committee on Public Lands,
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 4, 1893.

SIR: I have had the honor to receive, by reference from the Department, under date of August 21, 1893, for report in duplicate and return of paper, Senate bill No. 591, "To donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes," transmitted to the Department August 21, 1893, by Hon. James H. Berry, chairman of the Senate Committee on Public Lands, with a request for the views of your Department thereon.

The bill provides—

"That the bridges erected on the Fort Laramie military reservation by the United States in the county of Laramie, Wyo., are hereby donated to the

said county of Laramie, on the condition that the said county shall keep the said bridges in repair and open, free of charge, for the use of the traveling public and the military authorities of the United States, and the Secretary of the Interior shall reserve from sale and entry of the public lands the grounds upon which the said bridges are located and sufficient land for their protection and for approaches thereto.

"SEC. 2. That this act shall be of no effect one year after the date of its passage unless the said county of Laramie shall file in writing, within the said period, with the Secretary of the Interior, its acceptance of the terms of this act."

In reply, I have the honor to report that the Fort Laramie reservation was established by Executive order of June 23, 1859, and relinquished by the War Department May 28, 1890, and transferred to the Interior Department for disposal under the act of July 5, 1884 (23 Stats., 103). When transferred, the improvements thereon consisted of one set of quarters, two wagon bridges, one footbridge, and a flagstaff.

On May 3, 1890, the Secretary of War requested your Department to inform him whether any objections existed to his issuing a revocable license granting to the county of Laramie authority to use and maintain the said bridges for the use of the public. This office made a favorable report thereon to the Department May 13, 1890, but is not advised whether or not said license was issued.

The lands within this reservation, 33,415.24 acres, were disposed of under the homestead laws only by the act of July 10, 1890 (26 Stats., 227), which act provides, among other things, "That this act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of 160 acres, on which any buildings or improvements of the United States are situated until the Secretary of the Interior shall so direct."

After the survey of the reservation was completed, the local officers at Cheyenne, Wyo., on October 13, 1891, were instructed to allow entries for said lands in accordance with the said act of July 10, 1890, their attention being called to the fact that provision was made for the disposal of lands occupied for town-site purposes, and of lands valuable for minerals, under the town site and mineral laws, respectively, and excepting any of the lands which may contain improvements from the provisions of the act.

The subdivision upon which the set of quarters is situated was withheld from entry by the local officers according to instructions, but they erroneously allowed entries for subdivisions upon which two of the bridges are situated.

The description of the bridges, their locations, and estimated values are as follows: A wooden bridge across the Laramie River, on SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ and NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 23, T. 28 N., R. 64 W., worth \$600; a footbridge across the same river, on NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 23, same township and range, worth \$150, and an iron bridge across the North Platte River, on lots 2 and 3, sec. 22, same township and range, worth \$20,000.

On November 5, 1891, the local officers allowed the following homestead entries to be made for lands upon which two of these bridges rest, viz:

H. E. No. 2724, Benjamin A. Hart, for N. $\frac{1}{4}$ NW. $\frac{1}{4}$ and SW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 23, T. 28 N., R. 64 W.

H. E. No. 2730, Annie O'Brien, lots 5 and 6, sec. 21, lots 3 and 4, sec. 22, and lot 2, sec. 22, T. 26 N., R. 64 W.

The subdivision upon which the footbridge is situated, NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 23, is included in Hart's entry, and one of the subdivisions upon which the iron bridge rests, lot 3, sec. 22, is included in Mrs. O'Brien's entry.

When this office became aware that these entries had been allowed to go to record for lands upon which improvements are situated, they were suspended, and the matter was about to be submitted to your Department for consideration, and the local officers were again instructed on July 26, 1893, not to allow entries for lot 2, sec. 22, the other subdivision upon which the iron bridge rests, and the subdivision upon which the wooden bridge is situated, viz, SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ and NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 23, T. 28 N., R. 64 W.

These homestead entries were improperly allowed for lands reserved by act of Congress, and no rights to the tracts upon which the improvements are situated have been acquired thereunder which would interfere with the passage of this bill. I, therefore, see no objections to its becoming a law.

On line 8, page 1, of the bill a typographical error occurs, "United" being used for "United."

The bill is herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

THE HON. SECRETARY OF THE INTERIOR.

HISTORY OF INTERNATIONAL ARBITRATIONS.

Mr. GRAY. I am directed by the Committee on Foreign Relations to report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. 37) to provide for the printing of a history and digest of the international arbitrations to which the United States was a party, and for other purposes, was read the first time by its title, and the second time at length, as follows:

Resolved, etc. That there be printed the usual number of copies of a history of the international arbitrations to which the United States was a party, together with a digest of the decisions rendered in such arbitrations, and that, in addition to said usual number, there be printed and bound in sheep 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of State; said history and digest to be printed under the editorial supervision of John Bassett Moore, and the editing to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Secretary of State, at a price not to exceed \$2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HILL. I should like to hear some explanation of the joint resolution.

Mr. GRAY. This matter is familiar to a great many Senators as one that came before us some years ago, prior to the time when the Senator from New York was a member of this body. Perhaps I can best state the scope of the joint resolution and give the information the Senator from New York and other Sen-

ators may require by reading a letter from Mr. J. B. Moore, dated September 13, 1893, addressed to the chairman of the Committee on Foreign Relations:

The Hon. JOHN T. MORGAN,
United States Senate.

WASHINGTON, September 13, 1893.

MY DEAR SIR: By a joint resolution, approved July 28, 1886, Congress authorized the publication, under the editorial supervision of Francis Wharton, of a Digest of the International Law of the United States, taken from the Opinions of Presidents and Secretaries of State, and of Attorneys-General, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a Party.

It was provided by the resolution that the editing should be paid for at a price to be fixed by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives, acting with the Joint Committee on Printing, not to exceed \$10,000.

When the work of digesting the opinions of Presidents, Secretaries of State, and Attorneys-General, and the decisions of the Federal courts was completed, the labor of digesting the decisions of the international commissions had not progressed far enough to promise an early conclusion. This fact was due to the great amount of labor involved in dealing with the very extensive records and masses of unarranged manuscripts of the commissions.

Under these circumstances Dr. Wharton proceeded to print the International Law Digest, in three volumes, as it now stands, without including the decisions of the International Commissions.

I presume all Senators are familiar with the three volumes edited by Dr. Francis Wharton, than which I think no more important publication has been undertaken by the Government.

But, in his preface to that work (page viii), he stated "the digest of the rulings of the international commissions, * * * undertaken by the Hon. John B. Moore, will occupy a separate volume. Of the importance of such a digest I can not speak too highly."

On these facts Dr. Wharton was allowed, from the \$10,000 available under the resolution, the sum of \$7,500, the sum of \$2,500 being reserved for the editing of the commissions.

It was not till 1891, two years after Dr. Wharton's death, that Mr. Moore completed his digest of the decisions of the commissions. In the meantime he had enlarged the scope of the work so as to include, not only international commissions, but also all the international arbitrations to which the Government of the United States has been a party. Besides this, he has added to the digest of the decisions a complete history of our arbitrations, thus presenting a comprehensive view of the subject both in its legal and in its historical aspects.

In February, 1891, Mr. Everts reported to the Senate, from the Library Committee, a joint resolution to authorize the printing of the history and digest of the arbitrations under the editorial supervision of Mr. Moore. This resolution, being referred to the Printing Committee, was favorably reported by that committee to the Senate on March 2, 1891, and passed unanimously. Its adoption was strongly recommended at the time by the Secretary of State, Mr. Blaine, as appears by his letter to Mr. MANDERSON, of February 20, 1891, a copy of which is herewith inclosed.

In December, 1892, the resolution was introduced in the House by Mr. W. C. P. BRECKINRIDGE, and was referred to the Committee on Foreign Affairs. Mr. BRECKINRIDGE, however, substituted the sum of \$5,000 for \$2,500 as the editor's compensation. The resolution was not acted on by the committee. The Secretary of State at that time, Mr. Foster, recommended the adoption of the resolution, as appears by his letter to Mr. Blount, of February 13, 1893, a copy of which is herewith inclosed.

The present resolution (a draft of which is herewith inclosed) proposes, simply, the transference to Mr. Moore of authority to carry out the design of the resolution of July 28, 1886 (which Dr. Wharton announced to Congress that Mr. Moore would do), and the transference to him of the compensation already provided by that resolution for the work which it authorized.

The amount authorized by that resolution was \$10,000. Seven thousand five hundred dollars was paid to Dr. Wharton and \$2,500 were reserved, as was supposed, for the completion of the work by Mr. Moore. I need not state the high character of Mr. Moore as a student and lawyer.

Mr. HILL. Is he the author of Moore on Extradition?

Mr. GRAY. Yes.

Mr. HILL. That is a very valuable work. I have no objection, Mr. President, to the joint resolution.

Mr. GRAY. This volume will be a very valuable addition to the literature of this great and comprehensive subject.

Mr. HAWLEY. It was difficult to hear all the Senator from Delaware said. How much additional matter will this make?

Mr. GRAY. It will not make more than one volume.

Mr. HAWLEY. And it will be uniform with the preceding three volumes?

Mr. GRAY. It will be uniform with them.

Mr. HAWLEY. A continuation, a completion?

Mr. GRAY. Yes; and it will add very much to the value of the preceding work.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 1144) for the relief of the estate of Maria E. Warfield; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAFFERY introduced a bill (S. 1145) for the relief of the estate of Marcus Walker, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1146) referring the joint claim of T. Alonzo Walker and Augusta C. Todd for proceeds of cotton

to the Court of Claims for adjudication; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1147) for the relief of the heirs of Hilary B. Cenas; which was read twice by its title, and referred to the Committee on Claims.

Mr. HUNTON introduced a bill (S. 1148) to provide a building site for the National Conservatory of Music of America; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAFFERY introduced a joint resolution (S. R. 38) relative to the confirmation of certain land titles in Louisiana; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT OF THE RULES.

Mr. HILL. I submit two resolutions proposing amendments to the Rules, which I ask to have read and referred to the Committee on Rules.

The resolutions were read and referred to the Committee on Rules, as follows:

Resolved, That Rule V of the standing rules of the Senate be, and the same is hereby, amended by adding at the end thereof the following:

"Whenever upon any roll call any Senator who is present within the Senate Chamber refuses to make response when his name shall be called, it shall be the duty of the Presiding Officer, either upon his own motion or upon the suggestion of any Senator, to request the Senator so remaining silent to respond to his name, and if such Senator fails so to do, the fact of such request and refusal shall be entered in the Journal, and such Senator shall be counted as present for the purpose of constituting a quorum."

Resolved, That subdivision 2 of Rule V of the Standing Rules of the Senate be, and the same is hereby, amended so as to read as follows:

"If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate; but no Senator while speaking shall be interrupted by any other Senator raising the question of the lack of a quorum, and the question as to the presence of a quorum shall not be raised oftener than once in every hour, but this provision shall not apply where the absence of a quorum is disclosed upon any roll call of the yeas and nays."

Mr. MANDERSON. I think that under the practice these proposed amendments would not be printed, but would be considered in the nature of notices. I ask that they be printed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

ALLOWANCES TO STATES FOR MILITARY SUPPLIES.

Mr. HILL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the allowances made to the State of New York by the Third Auditor under the provisions of the act of July 27, 1861, and any further allowances to which other States may be entitled under said act, as the same has been construed by the order of the Secretary of the Treasury dated February 8, 1893.

BULLION PURCHASES.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to furnish the Senate with a statement giving the aggregate amount of silver bullion purchased under the act of July 14, 1890, during the month of October, 1893, together with the cost thereof, the amount, date, and price of each purchase, and the name of the vendor. Also the aggregate amount of silver bullion offered for sale during the said month, the amount, date, and price of each offer, and the name of the person making such offer, and how paid for.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes. It further insisted upon its disagreement to the amendment of the Senate numbered 6, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illinois, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River in the State of Arkansas, or in the State of Texas;

A bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.; and

A joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask that the action of the House of Representatives on the urgent deficiency appropriation bill be laid before the Senate in order that the Senate may agree to the further conference asked.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, further insisting on its disagreement to the amendment of the Senate numbered six to the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate accede to the request of the House of Representatives for a further conference. The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. GORMAN, and Mr. CULLOM were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River in the State of Arkansas or in the State of Texas; and

A bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.

The joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894, was read twice by its title, and referred to the Committee on Military Affairs.

RELIEF OF SETTLERS ON INDIAN LANDS.

Mr. GRAY. Mr. President—

Mr. PETTIGREW. I ask unanimous consent that the Senate at this time consider Senate bill 131.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. GRAY. I do not wish to object if the matter is not to consume too much time.

Mr. PETTIGREW. I think it will not. A similar bill has passed the Senate before. It is recommended by the Department and I think it can give rise to no controversy.

The VICE-PRESIDENT. The bill will be stated.

The SECRETARY. A bill (S. 131) making an appropriation to pay the damages resulting to the persons who went upon the Crow Creek and Winnebago Indian Reservation, in the State of South Dakota, between the 17th day of February and the 27th day of April, 1885.

Mr. GRAY. May I rise to a question of order? I thought that I was recognized and that the Senator from South Dakota rose to present morning business. I gave way supposing that it was a matter of morning business.

The VICE-PRESIDENT. The Chair was not advised for what purpose the Senator from South Dakota rose.

Mr. PETTIGREW. I was on the floor for some time before the Senator from Delaware addressed the Chair, and I supposed I was recognized on that account.

Mr. COCKRELL. I hope the Senator from South Dakota will not call up that bill until the Senator from Arkansas [Mr. JONES], who is the chairman of the Committee on Indian Affairs, is present.

Mr. PETTIGREW. Very well; I will withdraw my request.

RELIEF OF SUFFERERS FROM RECENT CYCLONE.

Mr. HOAR. I introduce the following bill, which I ask unanimous consent may be now considered—

Mr. TURPIE. I object.

Mr. HOAR. I desire that the bill may be read in full for information.

Mr. TURPIE. Mr. President, I object.

The VICE-PRESIDENT. There is objection.

Mr. HOAR. I beg the Senator from Indiana to listen for information and see what the bill is.

Mr. TURPIE. I ask the Senator from Massachusetts to hear a statement. I have sat here now a good many years in my term of service. I have never objected to the introduction of any bill, to the calling of any question, I have never interrupted another Senator, or made the slightest obstruction to business. Yesterday I had occasion to ask for the consideration of a certain measure. I regret very much to resort to the *lex talionis*. I would

rather act from what I conceive at least to be a higher motive, but I object.

Mr. HOAR. If my honorable friend will permit me, I am absolutely certain that if I should disclose to him the reasons for the objection of mine to which he refers he would concur in it.

This is not a matter in which I have the slightest personal interest. It is a matter affecting 30,000 persons who are starving to death at this moment in a part of the country remote from where I live; and it has become my duty to present this memorial and bill because the memorialist happens to be a near neighbor of mine when she is at home. Every hour lost will result probably in some human being perishing of starvation. I know the kind heart to which I appeal so well, that I feel quite confident the Senator will at least allow the bill and memorial to be read for information.

Mr. PLATT. The Senator can have the bill read anyway.

Mr. TURPIE. I made a similar appeal yesterday concerning a measure affecting a much larger number of persons. It was unavailing. I never have objected to any Senator's bill, to any Senator's motion, to any Senator's appeal for the consideration of any measure. I therefore claim the courtesy when I ask, as I occasionally do, for consideration, that there should be no objection. I object to this measure.

Mr. BUTLER. May I add—

Mr. HOAR. I will do anything short of going down on my knees to the Senator from Indiana to beg his pardon; that is, within the limits of a decent manhood. I hope he will not carry his feeling into this measure.

Mr. TURPIE. Mr. President, I am not asking the Senator to beg my pardon. He had a perfect right to object yesterday. My right is as perfect to-day.

Mr. COCKRELL. The right to have the bill read the first time is unquestioned. I object to a second reading; but let it be read the first time, and that will end it.

The bill (S. 1149) to relieve the sufferers from the recent cyclone on and near the sea islands by the coast of South Carolina and Georgia was read the first time by its title.

Mr. HOAR. I now desire to have read the memorial of Miss Clara Barton, the president of the Red Cross, which I also present. I ask that it may be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

Memorial to the Senate and House of Representatives of the United States in Congress assembled—

Mr. TURPIE. Mr. President, is unanimous consent necessary for the reading? If so, I object.

Mr. PLATT. I suppose that a bill can be read the first time as a matter of course under our rules.

The VICE-PRESIDENT. The bill has been read by title the first time.

Mr. COCKRELL. This is the memorial.

Mr. TURPIE. I have no other motive except to maintain the parity of courtesy.

The VICE-PRESIDENT. Is there objection to the reading of the memorial?

Mr. TURPIE. I object.

Mr. HOAR. If the Secretary will send the memorial to me I will state its contents.

Mr. President, this is a memorial of Miss Clara Barton, the president of the American Red Cross, who is well known to the country as one of its most distinguished citizens, who had a large share in organizing the relief commission during the war known as the Sanitary Commission, and in executing its work; who since then, whenever there has been a suffering community from yellow fever or pestilence or flood, where the local resources were insufficient to cope with the evil, has repaired with her force to the spot with organized charity and humanity and healing, and has afforded a relief which no unorganized and unskilled private resource would be sufficient to accomplish.

She is a person known not only throughout our land, but through the whole civilized world. She has inaugurated and obtained the assent of all civilized nations to giving certain privileges and opportunities to the Red Cross, which have been and will be large instrumentalities in alleviating the horrors of war itself. Countless millions and uncounted generations will profit by the humanity of which she has been so largely the embodiment. She has visited, this memorial states, in the service of the Red Cross, the sea islands on the coast of South Carolina and Georgia and the neighboring mainland, being summoned by a distress and destitution occasioned by the terrible cyclone which passed over that country, a cyclone which not only destroyed crops, but prostrated dwellings and was accompanied by floods, which destroyed natural and artificial systems of drainage throughout that region, so that it is a water-soaked and water-logged tract of country, where not only the absence of

food menaces starvation to these 30,000 people, but pestilence, miasma, and malaria are to follow. There has been no such tale of human suffering in this country for a long time.

It happens to me to present the memorial in which these facts are recited, not because of any personal relation of mine to the subject, but solely because this lady happens to have her dwelling within 10 miles of the spot where I live.

A large sum of money—a considerable sum of money, I will not speak of it as a large sum of money—has been raised by private resources; other sums of money will be raised; and this lady thinks she can take care of these people through the winter decently if there can be an appropriation of \$50,000, to be employed in setting them at work to restore the ravages occasioned by the storm.

We spend our money to protect our rivers and harbors against the ravages of such storms, and there are plenty of instances in our history sanctioning expenditures for the relief of such distress.

I present this memorial, and ask the unanimous consent of the Senate for the consideration of the bill. My honorable friend from Indiana, I think, would ordinarily rather prefer, before he makes an objection merely because he remembers that I once made an objection to something of his, to know something of my reasons, but we will let all that pass.

Mr. BUTLER. I think perhaps I ought to make a statement in connection with the memorial and bill presented by the Senator from Massachusetts [Mr. HOAR].

Miss Clara Barton, to whom the Senator from Massachusetts has referred as the president of the Red Cross Association, went to South Carolina at my request and that of the governor of the State soon after the recent terrible disaster along the coast, which has not been exaggerated, and can not be exaggerated.

Mr. TURPIE. May I interrupt the honorable Senator from South Carolina?

Mr. BUTLER. Yes, sir.

Mr. TURPIE. I should like to ask the honorable Senator from South Carolina whether he desires that the memorial be read?

Mr. BUTLER. I should be very glad to have it read; but I want to first make a statement in connection with it.

Mr. TURPIE. If the honorable Senator from South Carolina desires the memorial read I shall withdraw my objection.

Mr. BUTLER. I am very much obliged to the Senator from Indiana.

Miss Barton, as I said, went to South Carolina at my request and at the request of the governor of the State. I accompanied her when she made her first visit. We had seen reports in the newspapers of the effects of the storm which swept along that coast, but they did not begin to do justice to the extent of the destruction which resulted. The Senator from Massachusetts has said that that storm swept over those islands, and from the best information we could gather, about a thousand of those people were drowned. After going there in person, the surprise to me was that any of them escaped. That cyclone occurred at a season of the year when the crops were maturing from which the people there expected to get through the winter. The fall is very much more terrible than perhaps any other season of the year. Among other things, according to the reports of persons who have made a critical examination, there were 6,000 houses of those people destroyed by that flood and wind, almost their entire crop was swept away, nearly all of their work animals and their farming implements were also destroyed, and they were left in that condition.

Miss Barton went down, and, as I said, I accompanied her to Beaufort, meeting the governor of the State on the railroad as we were going down. There had been a committee organized in the city of Charleston and one in the city of Beaufort. They had, as the Senator from Massachusetts has stated, collected quite a quantity of supplies, clothing, and some money, not a very large amount.

I requested the Secretary of Agriculture to send them all the turnip and cabbage seed he had to spare, and such seed as could be made available at this season of the year in that climate. He did very kindly send down, I think, 5,000 packages of turnip seed and quite a quantity of cabbage seed, which have been planted and from which the hope is that valuable results will be realized.

Miss Barton hesitated for sometime about taking charge of this work. After consultation with the committees, I advised that the whole matter be turned over to the Red Cross, which was done. She finds, upon a more critical inquiry and examination, as the Senator from Massachusetts has said, that there are 30,000 people, almost entirely colored people, who are now suffering for something to eat. As I said, their habitations have been swept away and many of them are now living on the ground without shelter. Miss Barton told me yesterday or the day before

that the allowance she was enabled to give to a family of five or six people was 1 pound of bacon and 1 peck of hominy, and that they had to live on that for a week.

I felt some delicacy in asking Congress to make this appropriation, because my views upon that subject are thoroughly well understood, and my opinion now is that the State I in part represent ought to go to the rescue and relief of those people; but if the State does not do it and private contributions do not relieve the distress, there is bound to be very great suffering among those people in the next five or six months. The Senator from Massachusetts very kindly, after conferring with me, agreed to offer the memorial and bill.

Miss Barton's idea was, first, when she discussed the matter with me, not to ask Congress for an appropriation to buy rations and clothing and things of that kind, but to ask Congress for an appropriation of \$50,000, which might be used in putting those people to work, rebuilding their houses, draining their land, and doing whatever work they could get to do.

Unfortunately, the Marine Phosphate Company and other companies which heretofore have given employment to a great many of these people were absolutely stranded by the storm, not only losing in actual money, as I am informed, about \$150,000, but their dredges were turned upside down and sunk, their wharves were washed away, and it has been impossible for them to resume. So that source of employment has been paralyzed and destroyed. When those companies shall be able to resume none of us can say, possibly not this winter. This adds to the calamity.

In addition to that, the resources of all the white people in that country have been in a large measure seriously impaired, so that they scarcely have more than enough for their own purposes.

I do not know what course Congress will take in regard to the subject, and I am generally the last person to ask for this kind of appropriation from the Government. I repeat that I have heretofore held, and now hold, it is only where there is some overpowering, uncontrollable condition with which the local authorities can not deal that I can conceive that Congress may properly interfere and loan its aid, at least.

I thought it was due to the Senator from Massachusetts and to myself that I should make this statement. He has very kindly and generously offered the memorial and the bill. The Senator from Indiana having consented to the reading of the memorial, I should be glad to have it read, and also the bill.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. COCKRELL. Mr. President, I have objected to the second reading of the bill, and that objection holds, and will not be withdrawn. It is not worth while to waste time about it.

Mr. BUTLER. I am not wasting any time. I should be very glad to have the memorial read. If there is objection to its being read by the Secretary, I shall take the memorial and make it a part of my remarks, which would only subject me to inconvenience. I understand, however, that there is no objection to the reading of the memorial, so I ask that it may be read.

The VICE-PRESIDENT. Without objection the Secretary will read the memorial.

The Secretary read as follows:

A memorial.

To the Senate and House of Representatives of the United States in Congress assembled:

The American National Red Cross, an organization, national and international, official in other countries and semi-official in this, taking charge of relief work unprovided for by law, other than the Marine Hospital and Life-Saving Departments of the Government take cognizance of, respectfully and prayerfully presents this memorial to you in behalf and in the name of the 30,000 destitute and suffering people on the sea islands of our coast.

On the petition and at the earnest solicitation not only of South Carolina's governor, her senior Senator, and most prominent citizens, but also some of the leading humanitarians of the country, the Red Cross went to the field of calamity, and after a careful, thorough, painstaking investigation that only veterans in that kind of work can make, we, the president of the Red Cross and her field officers, find this condition of affairs to exist:

In a district 145 miles long, from the islands on the boundary line of South Carolina and Georgia, to those about Charleston on the north and from Hilton Head, Folly, and Morris Islands, to a point inland 20 miles, or where the tidal wave had spent its fury, there are 30,000 people suffering for the bare necessities of life, starvation their immediate heritage. Hungry, naked, sick, and homeless, these men, women, and children stand utterly helpless, stricken dumb before this awful work of the midnight storm.

Where but a few short weeks ago were happy homes, cotton, potato, and corn fields, representing months of patient toil and industry, almost ready for the harvest, now naught remains but the bleak and desolate land, a board or two in the drift; that is all; no house, no crop; all gone.

Thirty thousand people to feed, clothe, nurse, and shelter for seven months, or until next year's crops can be harvested; to do this we have on hand scant \$30,000, a dollar to keep one person alive for seven months, to say nothing of the other necessities of life.

Ever since the morning after the storm, appeals, petitions, and statements have come from governor, mayors, councils, and people; the Red Cross has given its statement to the public which, in ordinary times, would have brought in an abundance of funds to meet every possible need; now from every source there are but \$30,000 for this greatest and gravest field of calamity that this country has ever been called upon to care for.

Just to feed this vast multitude and keep anything for the future needs, we are obliged to make this standard ration: For a family of seven persons for one full week, 1 peck of hominy or grits, and 1 pound of pork.

Six thousand houses will have to be built entire or repaired as necessity demands. We have already purchased 500,000 feet of lumber, the generous lumber merchants and railroad officials making it possible to get this large amount at \$5 a thousand feet delivered, with the privilege of duplicating the amount if necessary. The people can raft this lumber to their islands; but saws, hatchets, and nails must be had to build the houses.

The soil on these islands is wet and sour, the drains and ditches choked up and useless, and vegetation will thrive in but comparatively few places. The people are living on this damp ground in tents, under sheds, and tree limbs, and the storm of the 12th of October that swept over this district found them defenseless, and left them in a more pitiful condition than ever. Malaria in acute form is there, typhoid, typhus, and pneumonia will, in the near future, be epidemic.

The condition of the district is as stated; the remedy we suggest is this: The sum of \$50,000 be intrusted to the Red Cross upon good and sufficient bonds in double the amount named, to be used wholly and solely in the employment of labor, in putting the islands in proper sanitary conditions, draining the lands so that crops can be produced and houses built for the people who are now helpless through no fault of theirs. Strict account to be kept, and vouchers made for every expenditure, and if a balance remain it shall be returned to the Treasury of the United States.

The Red Cross will undertake to feed and clothe these people from the funds and provisions given by our generous citizens, if it can be relieved in the manner prayed for; free rations must not be given, as that demoralizes and pauperizes.

If the lands are not drained and ditched, no crops can be grown, which will keep the people in an impoverished condition.

We pray your favorable consideration of this memorial and immediate action by joint resolution, for if relief is delayed the world will soon ring with the humiliating cry that a famine exists in the United States of America.

CLARA BARTON,
President of the American National Red Cross.

Mr. GORMAN. I suggest to the Senators from South Carolina and Massachusetts that the memorial be printed as a document, and that it be not printed in the RECORD.

Mr. HOAR. It is very brief.

Mr. GORMAN. The memorial has been read to the Senate, it is true, for information, and that was proper; but I suggest that the Senator will accomplish all he wishes by having it printed and published as a document.

Mr. HOAR. I think Senators would like to have the memorial appear as part of the proceedings of the Senate. It is very brief, and its printing may save a good deal more in the way of debate than the memorial will occupy in the RECORD.

Mr. GORMAN. Very well; if the Senator insists upon it, I shall not press the request.

Mr. HOAR. I give notice that to-morrow morning, after the routine morning business, I shall move to take up the bill.

Mr. PEPPER. Before any action is taken I ask the consent of the Senate to be heard a minute or two. I know the remarks which have been made have been out of order, and because of that I ask that I may be heard very briefly.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas.

Mr. PEPPER. This matter, Mr. President, is a very serious one from every point of view. Not only is it serious, but it is one that in a much enlarged form will very soon be brought to the attention of Congress from other portions of the country, as well as the particular locality mentioned in the memorial. There are a great many other people who are in circumstances as destitute as these. The miners in the mining regions, many of the farmers in different portions of the country, and especially in the newer portions, are in the same condition. I have in my hand now a printed dispatch in the New York Press, referring to some of the people in the south-western counties of my own State, where a similar condition prevails. The same is true in many other portions of the country, in the manufacturing regions in the Eastern States, in New York City, in Boston, and all over the country, from which appeals are coming to us of the same character.

What I wish to say in connection with this subject is, that if it is pressed upon the attention of the Senate, while I believe that we have no constitutional authority whatever for using the people's money for such a purpose, yet, if this is pressed, I shall ask that the area be enlarged to take in the whole country, and that an appropriation sufficiently large be made to set all the idle men in the United States at work. That is all I wish to say.

PERMITS FOR OPENING STREETS AND ALLEYS.

Mr. DOLPH. I offer a resolution, which I ask may be considered at this time.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to communicate to the Senate the following information, to wit:

1. How many permits have been granted by them for the opening of streets and alleys, or portions of the same, for the laying or the repairing of water pipes, sewers, or for other purposes, since the 1st day of December, 1892?

2. How much money was required by them to be deposited upon the granting of each permit?

3. How much of the amount deposited with each permit granted was required to restore the paving over each cut made under each permit granted?

4. What portion of the amount, if any, of the deposit made with each permit granted was in excess of the amount actually required to restore the cut made under such permit?

5. What was the deficit, if any, in the deposit made for each or any of the permits granted for the purposes heretofore mentioned?

6. What disposition was made of the amounts deposited in excess, if any, of the cost of the work under each permit granted?

7. If there was a deficit in any of the deposits made for permits referred to above, how was said deficit provided for?

8. What price is paid for the repairing of the cuts made for the purposes above mentioned, and how is the amount of work done under each permit ascertained; is the measurement made by the contractor or an officer of the District of Columbia?

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MANDERSON. It seems to me that that resolution calls for an enormous amount of detailed information, the publication of which would be exceedingly expensive. It may be that the resolution is so guarded as not to run into too much detail; but I ask that it may go over until to-morrow.

Mr. DOLPH. I suggest to the Senator that I do not think that is the case. I understand the practice in the District is, and perhaps the law is, that when a party desires to cut up the streets for the purpose of laying water pipes he must make a deposit. I understand that there has been no report made of the amount deposited or the amount required for the repair of streets; that there has never been any deposit returned or any account made, if there should be a deposit. This comes to me from a very responsible party in the District, who wants information on the subject; and the resolution only covers a year. It is information which is not published and is not given to the public in any shape. It need not be printed, but when the information is sent in it may go to the Committee on Printing if it becomes necessary. Certainly, however, it is information which should be given to the public in some way. I hope the Senator will withdraw his objection.

Mr. MANDERSON. All right.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MANDERSON. I do not object.

The resolution was considered by unanimous consent, and agreed to.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the concurrent resolution proposing a change in the method of enrolling and engrossing bills. I think it will take but a moment.

By unanimous consent, the Senate proceeded to consider the following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That, beginning with the first day of the regular session of the Fifty-third Congress, to wit, the first Monday in December, 1893, in lieu of being engrossed, every bill and joint resolution in each House of Congress at the stage of the consideration at which a bill or joint resolution is at present engrossed, shall be printed, and such printed copy shall take the place of what is now known as, and shall be called, the engrossed bill, or resolution, as the case may be; and it shall be dealt with in the same manner as engrossed bills and joint resolutions are dealt with at present, and shall be sent in printed form, after passing, to the other House, and in that form shall be dealt with by that House, and its officers in the same manner in which engrossed bills and joint resolutions are now dealt with.

Resolved, That when such bill or joint resolution shall have passed both Houses, it shall be printed on parchment, which print shall be in lieu of what is now known as, and shall be called, the enrolled bill, or joint resolution, as the case may be, and shall be dealt with in the same manner in which enrolled bills and joint resolutions are now dealt with.

Resolved, That the Joint Committee on Printing is hereby charged with the duty of having the foregoing resolutions properly executed, and is empowered to take such steps as may be necessary to carry them into effect, and provide for the speedy execution of the printing herein contemplated.

Mr. MANDERSON. This concurrent resolution received the approval of the joint committee of the two Houses charged with the duty of investigating matters of this character, and it was referred on my motion to the Committee on Printing of the Senate. That committee reported it back without recommendation, believing that there was hardly time for that exploration which might be needed to make a report which would be of value.

I think that this is a step in the right direction. The only thing I fear is that in the closing days of a session, particularly when appropriation bills are pressing for consideration and receive that constant change which comes from conference between the two Houses, we may be embarrassed and may find ourselves in a strait-jacket which would prevent that freedom of action which is desired.

The resolution is in the form, it is true, of a concurrent resolution, as it should be, and can at any time very easily be changed, and therefore I make no objection to it; but I think we shall find when we come to the closing hours of a session, and particularly the short session, that the delay incident to sending the great appropriation bills to the Printer and their return will be greatly to our embarrassment.

I do not, however, object to the resolution. I have talked with some of the experts and with the foreman of the Printing Office,

and he thinks the thing can be cared for, unless probably at the exceptional time I have mentioned.

Mr. DOLPH. I was about to inquire of the committee if they had considered this very matter, that is, how this resolution would affect the transaction of business during the last hours of a session which is terminated by limitation of law?

Mr. MANDERSON. I will say, and I think the Senator from Missouri [Mr. COCKRELL] will say, that this is in the nature of an experiment as much as anything else, to see if we can not get into a better way of doing business.

Mr. DOLPH. Of course if Congress will govern itself accordingly and virtually get through with legislation on the 3d of March, instead of extending it into the next day, it can be done. I rose to suggest whether it would not be well to amend the resolution so as to except the last days of sessions which are limited by law.

Mr. COCKRELL. In answer to the Senator I desire to say that, as a matter of course, we can not see exactly what may be the complications in the press of business which may come in the last few hours of a Congress at the short session only. There is no danger at any other time. This is only a concurrent resolution, and we can amend it in ten minutes at any time we wish to, so that we may carry it out perfectly.

Nearly every other nation has its engrossing and enrolling printed. I requested the Secretary of State to communicate with our ministers in England and Germany and France, and a number of other countries, and to secure a statement of their methods of engrossment and enrollment. We had all this information presented in form. England adopted her present method of printing in 1849, and they have had no trouble at all in printing, instead of enrolling and engrossing bills in Parliament.

We desire to have this concurrent resolution now passed in order that we may commence at the beginning of the next session, and so that we can make improvements and perfect the machinery during the long session, when I have no doubt we can carry it on with success. I think in all probability in the closing days of the short session only it may be necessary to have quite a number of printers here, with material and appliances in the building; but otherwise there will be no necessity for it.

We never have an appropriation bill which can not be returned to us from the Printing Office inside of four hours, and in an emergency it could be done in less time than that.

Mr. DOLPH. In an emergency the operation of the resolution could in a few minutes be suspended for the balance of the session?

Mr. COCKRELL. Yes. The resolution is a concurrent one, and we can suspend or amend it at any time. I am anxious that we shall commence to operate under it at the beginning of the session, so that, under the direction of the Committee on Printing, any improvements or changes which may be found necessary may be made, and we can have them perfected by the close of the first short session.

Mr. GORMAN. Mr. President, there can be no question about the desirability of this proposed change, if it is practicable. A number of mistakes were made at the last session of Congress in some of the great appropriation bills, probably more numerous than at any other session, involving very large sums of money; for instance, a bill was engrossed, and on account of the committee not being able to examine it in print quite a number of errors occurred, items being left out and items added. This did not occur in this body, but in another, owing to the hurry and confusion at the latter end of the session.

I am in thorough sympathy with the object the Senator from Missouri has in view, and he has given this matter more attention than any other member of the body as chairman of the joint commission; but I ask him whether it would not be wise to insert a provision by which a bill may be engrossed in the usual manner, if an emergency arises, so as to leave it in the discretion of the committee in the last days of a session to have a bill printed or not?

Mr. COCKRELL. Mr. President, an emergency can not arise without our knowing of it. The very moment the Committee on Printing intimates that they wish an amendment adopted to this resolution, we can pass an amendatory concurrent resolution by unanimous consent. There would be no trouble about that. In the meantime let the resolution operate and let the House of Representatives know that they must get their bills through a little sooner than they have been in the habit of doing. I think one result will be that the House will get their bills through a little sooner, and then we shall not be so much pressed at the close of the session.

There is force in what the Senator says, but if the emergency to which he refers arises, we can pass an amendatory resolution at once.

Mr. GORMAN. Being in hearty sympathy with the resolu-

tion, I shall make no objection to it. I wish to express my thanks to the Senator for the trouble he has taken in regard to this question.

The VICE-PRESIDENT. The question is on concurring in the resolution of the House of Representatives.

The resolution was concurred in.

CHINESE EXCLUSION.

Mr. GRAY. I now renew my motion that the Senate proceed to the consideration of House bill No. 3687.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Delaware to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

Mr. GRAY. Mr. President, it is not necessary that I should detain the Senate by any extended discussion of the bill in explaining an exigency which is believed by many is upon us in regard to the situation produced by the unintended operation of the act of May 5, 1892, entitled, "An act to prohibit the coming of Chinese persons into the United States."

That act as is known undertook to remedy what was considered by those communities, in which this population has become an important element, an evil which was obtaining under the then existing laws. The act required that all Chinese laborers within the United States should, within one year from the date of the passage of the act of May 5, 1892, take out before a designated officer a certificate of residence, with certain other provisions to which it is not necessary now to refer.

After the passage of the act there were certain prominent members of that race who considered this law a great hardship upon their people resident in this country. Accordingly they consulted very eminent counsel in the United States, the mention of whose names will at once show that they are men whose opinions are entitled to great consideration, Messrs. Carter, Ashton, and Choate of the city of New York, and obtained from these gentlemen an opinion that that act was unconstitutional, and that there was no obligation of law upon any Chinese person to conform to its provisions. Thereupon the great body of persons of that race in this country, amounting to over one hundred and fifteen or one hundred and twenty thousand, declined to conform to these requirements, and refused to take out the registration which was prescribed.

That the refusal was made in good faith I have no doubt; but it has created a great hardship upon those people, because, after this opinion had been rendered by these eminent counsel as to the constitutionality of this law, the case was brought by due process of law to the Supreme Court of the United States, and the Supreme Court of the United States, by a divided court—I think five to three—declared the act to be constitutional. That decision was made, however, ten days after the expiration of the time within which the act of May 5, 1892, prescribed that certificates of registration should be taken out, and these people were left in the deplorable situation of being confronted with the law being declared constitutional, contrary to their expectations, without their having conformed to its provisions and without having at that time any opportunity to conform to them. So that over 100,000 of these unfortunate people are amenable to the penalties of that law and are liable to deportation.

We find that the House of Representatives has sent us a bill, which has grown out of the pressure created by this exigency, a bill which in common justice extends the time within which these unfortunate persons may take out certificates of registration, which they omitted to take out under the circumstances I have narrated.

I think that that portion of the act is clear, and I can not see that it requires any further commendation.

In passing the bill through the other House it appears, as was inevitable, that people on the Pacific coast and others who have very decided opinions upon the whole matter of Chinese residence and Chinese immigration, made their opinions felt in the bill which has come to us, and as a result of that feeling there are certain provisions which have been added to the first section which extends the time for registration. The bill, I suppose, may be described as a compromise between extremes of opinion, and it seems to have been the very best bill which under the circumstances could immediately be passed through the other House.

The provisions following the first section do not entirely meet my approval. I should have preferred simply to extend the time. Yet I do not consider them important enough, nor do I believe they would operate in so material a degree of harshness as to prevent any one who appreciates the present situation from voting for the bill as an entirety.

I have been informed at the Department of Justice that there are now about one hundred of these persons in the jail of San Francisco. They can not be bailed, and they are lying there under a sentence of deportation. If the bill fails to pass we shall neglect to relieve this very oppressive and harsh situation, and immediately there will be a very large number of Chinese persons under arrest, without bail, and with no provision yet made by law to defray the expenses of carrying into effect the sentence passed by the court under the act of May 5, 1892.

Mr. DOLPH. The Senator does not mean to say that the money appropriated to execute the act can not be applied to that purpose as well as to carry out any other provision of the law?

Mr. GRAY. I am informed that there is at present not sufficient money to execute the act. I am told by the Department and by the chairman of the Committee on Appropriations that it would require an appropriation of between \$6,000,000 and \$7,000,000, to be taken out of our depleted Treasury, to carry out the provisions of an act passed under the circumstances of which I have spoken, which need not be spent at all if we would merely extend the time for registration. That large sum of money can be saved, and at the same time the humanity of the people of the United States will not have put upon it any stress such as is now being placed upon all right-thinking people by the situation of these people on the Pacific coast.

Mr. HAWLEY. I should be glad to ask a question of the Senator from Delaware.

Mr. GRAY. Certainly.

Mr. HAWLEY. Will this bill relieve the poor fellows who are in jail?

Mr. GRAY. It will, I am informed by the Attorney-General.

Mr. HAWLEY. By what authority are they kept in jail? Does the act provide that they shall be imprisoned?

Mr. GRAY. By the act of 1892 they are held under a sentence of deportation.

Mr. HAWLEY. Yes, but the act does not say that they shall be confined in jail.

Mr. GRAY. There may be something in what the Senator from Connecticut says. I am not at present prepared to state what the authority claimed by the courts is to keep them in jail. It is sufficient for me to know that they are now in jail by the sentence and with the consent of the circuit courts of the United States, courts to whom has been given jurisdiction over this matter, and they are so held in obedience to the will of the judges of those courts.

Mr. HAWLEY. The Senator perhaps can tell me whether I am correctly informed. I understand that one of our circuit judges, Judge Lacombe, has given what would seem a proper judgment—that a Chinese person can not be so held, under the act, while awaiting deportation.

Mr. GRAY. I understand that Judge Lacombe did hold that, and perhaps it was creditable to his humanity; but other judges have declined to find any authority for following his example. Whatever may be the law in the matter, like the man who is in the stocks, they are there. It shocks my sense of humanity and appeals to me as strongly as any case which concerns individual liberty that has ever been brought before this body since I have been a member of it that these people should lie there without any fault of their own, as I conceive, and we should not relieve them.

Mr. HAWLEY. There is another question. I hardly know how to ask the question that is in my mind. The bill bears a certain resemblance to a treaty, because it is well understood, through the public prints, that there have been frequent communications between the Chinese Government and our Government upon these matters. I wish I knew, officially or unofficially, whether our State Department, as well as the Chinese minister, are tolerably well satisfied with this arrangement?

Mr. GRAY. I wish I could answer the Senator, because the query that is in his mind has suggested itself to my own; but I am not able to answer him. I have an impression, though not gained from any official source, that there is no particular objection on the part of the Chinese embassy here; but of that I can not speak with any certainty. However, I do feel that if this were an original proposition to establish a system of registration, the other provisions in the bill would meet my disapproval and I should vote against them.

But that is not the situation with which we are confronted. The act of May 5, 1892, established these conditions and made the law such as I have described it. Under it there exists an exceedingly unfortunate situation which the bill certainly will measurably relieve. With that understanding, and with that protest against this kind of legislation (although I am not opposed to proper legislation to restrict the coming of Chinese persons into the country), I am willing and anxious to vote for the pending bill in order to cure the evil which has grown up under previous acts.

Mr. HOAR rose.

Mr. HAWLEY. Just one word, and I will be out of the way of the Senator from Massachusetts. I read with a good deal of mortification the history of our relations with the Government and people of China. It is not becoming perhaps to say so, but in fact I am ashamed of my country in that matter. I may vote for the pending bill, but it is not with great satisfaction.

Mr. GRAY. As I have said, I share some of the feeling which the Senator from Connecticut expresses. I have considered this matter as carefully as I could; I have consulted the persons who I thought were familiar with the exigency; and I have gained my own consent to vote for it as an exigent measure to relieve the country from the shame and mortification of having these people in large numbers subjected to suffering and indignity from which we ought to relieve them.

Mr. HOAR. I should like to ask the Senator from Delaware before he sits down two questions, if he will be kind enough to give me his attention.

First, what change does he understand is made in the significance of the words "laborers" and "merchants" as they have been used in former laws by the second section of the proposed act? That is the first question I desire to have the Senator answer.

Mr. GRAY. I understand—

Mr. HOAR. Perhaps I had better state my questions and then sit down, that the Senator may answer both.

The second question is whether, under lines 26 to 31, near the close of the fourth page, the Senator understands that the privilege of habeas corpus is denied to persons imprisoned by the United States marshal under a real or alleged order of deportation, and, if it be not denied, whether the provision that the person shall not be admitted to bail, but shall remain in custody, changes the existing practice on habeas corpus, which permits the court in its discretion to admit the applicant to be bailed pending the habeas corpus proceedings, which in this case might possibly be delayed for a long time; that is, there might be a petition to the circuit court of the United States, and an appeal or other process which would remove the question to the Supreme Court of the United States?

Now, my question is whether the Senator does not think that here is a denial to persons alleged to be Chinese persons, because of an order of deportation, of the right to have the question of habeas corpus dealt with, they being at large and their return secured by bail if the court, in its discretion, so orders?

Those are the two questions.

Mr. GRAY. I will say to the Senator as to the provision subsequent to the first section, I would have been glad had the first section constituted the whole act. Those provisions are somewhat irritating, perhaps some may consider them a little harsh; but they are not sufficiently so to prevent me from voting to relieve the greater evil which exists in the present situation.

I would have preferred that it should be left to the courts, where I think it properly belongs, to give an interpretation and construction of the terms "merchant" and "laborer" rather than to undertake in this proposed act, which is not unusual in these latter days, to give an interpretation and construction to those words. I think the law as it existed before the act of 1892 left that construction to the court, where it would have been better to have left it.

As to the other question, I am not prepared to say that the provision to which the Senator from Massachusetts has called my attention denies to any of the persons who may be arrested for not having a certificate of registration the right to the writ of habeas corpus. I believe that this proposed law leaves it where it is, and it ought and must be—

Mr. HOAR. What is the significance of the phrase that they "shall not be admitted to bail?"

Mr. GRAY. The provision that they shall not be admitted to bail is another and a distinct provision. A man may think he is entitled to the writ of habeas corpus, and he may be discharged entirely if he should prove that he is not a Chinese person or that he has a certificate of registration and therefore is not amenable to this provision of law. I do not consider this to be a criminal proceeding. It is a matter wherein the sovereignty of the United States undertakes to protect itself against the coming into the country and residence here of certain undesirable classes, and in doing that I suppose we have a right to say that when an examination is made by the courts and it is determined that they shall be deported they shall not be admitted to bail.

Mr. HOAR. If the Senator will pardon me, I think he does not quite get the point of my interrogatory. The first part of the interrogatory, I suppose, would elicit the answer the Senator has given; that is, he does not deny the writ of habeas corpus. I do not at this moment think of any other case where bail would be lawful or admissible, except on an application for habeas

corpus in the discretion of the court. It may be issued by the Supreme Court returnable to a circuit court. Does not the Senator think the provision that a man shall not be admitted to bail when he is in custody under an order of deportation is a provision that he shall not be admitted to bail on habeas corpus; and therefore, if a person is alleged to be subject to deportation when he is not, or if a person be arrested, and when the marshal is about to execute the order of deportation he carries his appeal to the Supreme Court of the United States, must he not remain in custody without bail if this provision be carried into effect and be constitutional?

Mr. GRAY. I think so.

Mr. HOAR. Now, is not that a great objection to it?

Mr. GRAY. I think not. I am not prepared now to discuss the constitutionality of the question. I hope that that and every other constitutional objection will be discussed and finally decided by the Supreme Court. But it strikes me that if, as the Supreme Court has decided, we have the right to pass such a bill as this, which I do not deny, by virtue of the inherent sovereignty of the United States to protect itself from undesirable immigration or the residence of undesirable aliens, then I believe the measures here enacted in the exercise of that power to make it efficient or adaptable to the end in view are not unnecessarily harsh or cruel.

I can not conceive how a general deportation of a large class of people could ever be efficiently carried out if upon the inception of the act of deportation, in addition to allowing an inquiry, which they are entitled to, and by habeas corpus as to the legality of their arrest to determine whether they are subject to the provisions of the law or not, the court should also be allowed to give bail, because if that were the case the whole object of the act, it seems to me, might be very easily defeated.

But that is a matter, Mr. President, upon which I can not and would not like to commit myself in this sudden way. If it be unconstitutional there is a way of testing it, and I hope it will be tested. It is certainly worthy of consideration and suggestion by so distinguished a Senator as the Senator from Massachusetts.

Mr. PALMER. May I ask the Senator from Delaware whether his statement that there is a way of testing it is not an abdication on the part of the Senate of its own duty, which the Constitution reserves to Congress?

Mr. GRAY. I think not, for I have more than once on the floor of the Senate stated my very clear and emphatic opinion of the duty of the Senate itself to decide a matter of constitutional duty. I can only say that I do not see now a constitutional objection to the provision that will prevent me from voting for the bill. I will not say that I am so clear upon the point as to be dogmatic about it, but I am sufficiently clear to allow me to vote for the bill.

Mr. HOAR rose.

Mr. PALMER. I do not wish to interrupt the Senator from Massachusetts in any remarks he would like to make.

Mr. HOAR. I do not propose to discuss the bill at length at this time, but I confess I do not exactly agree, if I understand him, with the Senator from Delaware, an eminent jurist, a member of the committee to whom has been intrusted the duty of reporting and advocating the pending bill. On asking him whether the bill, leaving the habeas corpus, as he thinks it does, to any person who undertakes to resist deportation from the country under its provisions, denies the right of bail during the pendency of the habeas corpus, although it may be pending six months or a year, he says, I understand, that he would not like to commit himself on the question one way or the other.

Mr. GRAY. Oh, no; the Senator misunderstood me.

Mr. HOAR. I did, if he did not say that.

Mr. GRAY. I did not say one way or the other. I said just now, in answer to the Senator from Illinois, that I am sufficiently satisfied as to the constitutionality of the provision to vote for the bill this minute; but when the doubt was suggested from so respectable a source as the Senator from Massachusetts, I said I would not be dogmatic enough to say that it was clear from all doubt; and I shall be very glad to see it tested in the Supreme Court.

Mr. HOAR. I should like to put a question to the Senator from Delaware, who is an able constitutional lawyer. Does the Senator from Delaware conceive that it is a compliance with the Constitution of the United States in regard to persons to whom its protection extends to deny bail pending habeas corpus proceedings?

Mr. GRAY. I am not prepared to say that the Congress of the United States, in the exercise of the legislative power which the Supreme Court has decided that it possesses, may not do that thing. I do not see why it should not. There is nothing I know of expressly in the Constitution of the United States in regard to the matter of bail except the restriction that excessive bail shall

not be demanded. It does not occur to me now that there is any other provision on the subject.

But, Mr. President, I was about to resign the floor. I merely wished to introduce this matter and explain, as I understand it, the exigency that is upon us to deal with the situation now confronting us on the Pacific coast.

I expect and hope to hear from both the Senators from California. The senior Senator from California (Mr. WHITE) is now here, and he was one of the able counsel who argued this case before the Supreme Court of the United States. He can speak to us very instructively upon the constitutional points which have been suggested by the Senator from Massachusetts, for he undoubtedly has studied, as was his duty as a lawyer, the whole matter that was submitted to the court.

Mr. PALMER. Mr. President—

Mr. HOAR. If the Senator from Illinois will pardon me, I do not desire to proceed now to address the Senate, but I should like to move an amendment. If the Senator is about to proceed I think he would perhaps like to address himself to the amendment I propose to offer.

Mr. PALMER. Certainly.

Mr. HOAR. I offer an amendment in the nature of a substitute for the entire bill, and I then propose, which I suppose to be in order, to move to perfect the original bill before the substitute is voted upon by striking out all of the provisions of the original bill after the first section.

The PRESIDING OFFICER (Mr. BUTLER in the chair). Does the Senator from Massachusetts desire to have his amendment read?

Mr. HOAR. Yes; I suppose it should be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause of the bill and insert:

Be it enacted, etc., That from and after the passage of this act the immigration of Chinese laborers to the United States be, and the same is hereby, suspended (except as hereinafter provided) until such time as by treaty between the two Governments the subject of such immigration shall be determined by both, and during such suspension it shall not be lawful for any such Chinese laborer to come from any foreign port or place, or having so come to remain within the United States.

SEC. 2. That any Chinese laborer already in the United States, and possessing a certificate of his right to be here, who may be desirous of returning to his native land with the purpose of again coming to the United States, shall receive, free of charge or cost, a certificate of identification, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and other facts of identification, and which shall state at what time and in what vessel and from what port said Chinese person is to sail, which certificate shall be signed both by the collector of customs or his deputy of the district, including such port and by the Chinese consul there or his assistant, and shall be attested by their seals of office. Whenever said Chinaman desires to return to the United States he shall report himself both to the Chinese consular and the United States consul at the port of departure, showing the certificate thus issued, signed, and viséed, and thereupon, if his right thereto be established before said officers of both Governments, shall be allowed a new certificate similar to the kind and form to the one previously issued at the port in the United States.

SEC. 3. That so much of the act of Congress approved May 5, 1892, as relates to the regulation and registration of a Chinese laborer or any Chinese person, be amended so as to read as follows:

"That all Chinese aliens residing in the United States at the time of the passage of this act shall receive, within a further period of three months after the passage of this act, and without charge or cost, a certificate of identification, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain the statement of the name, age, occupation, place of residence, personal description, and other facts of identification, and which may be a legal and useful means for distinguishing those Chinese legally here from those illegally here or seeking to come here, and be a guaranty of the full and equal protection of our laws, a passport to all the rights and privileges accorded to citizens of the United States."

SEC. 4. That so much of the law of May 5, 1892, as relates to the punishment of Chinese persons violating our laws be amended so as to read as follows:

"That all Chinese aliens, being subject to the laws and regulations of the United States, shall, in case of any accusations or indictment, be accorded the regular and full process of laws, and for violations of any of the laws, or any of the provisions of this act or of the acts of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be punishable by fine not more than \$1,000, or by imprisonment for not more than one year."

SEC. 5. That so much of the statute of May 5, 1892, as requires that the witnesses therein described shall be white persons is hereby repealed.

SEC. 6. That the provisions of the first six sections of this act are hereby continued in force until such time as by agreement with the Chinese Government, and the consent of the same, there shall be regulations established by treaty, duly made and ratified by both Governments.

SEC. 7. That all such part or parts of the acts of which this is amendatory as are consistent herewith are hereby continued in force, and all part or parts as are inconsistent herewith are hereby repealed.

Mr. DAVIS. I send to the desk a proposed amendment to the pending bill, which I ask may be read.

The PRESIDING OFFICER. The Secretary will read the amendment to be proposed by the Senator from Minnesota.

The SECRETARY. Amend by striking out all after the enacting clause of the bill and inserting:

That those certain acts of Congress entitled severally, "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888; an act entitled "An act supplement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved the 8th day of May, 1882," approved October 1, 1888; and an act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved May 5, 1892, be, and the same are severally hereby, repealed.

Mr. PALMER. Mr. President, I sympathize very much in the feeling of the inhabitants of the Pacific coast in regard to the exclusion of Chinese, but at the same time there are certain considerations apart from that feeling. By the way, I may say that I remember that this bill is a modification of an act passed in the last Congress, and, to some extent, it is an improvement on that law. I opposed the act of 1892 for reasons that are but slightly obviated by the pending bill, but it is better than the act of 1892.

There are objections to this bill, however, that are to me insuperable. One is the provision of the bill, which will be found in more than one place in it, which judges all Chinese to be unworthy of credit. The act of 1892 required that the fact of his right to remain here shall be established by a white witness. This bill modifies that provision so as to require the testimony of "at least one credible witness other than Chinese." I can not, with my views of the rights of men, consent that any race, either on account of color or nativity, shall be adjudged by law to be unworthy of credit.

I know nothing in the world about the Chinese population. Many of them may be unworthy of credit, or all may be so, but I am not willing to agree that the testimony of a whole nationality is to be rejected because of any belief I entertain that none of them can be believed. In my own professional life I have known where witnesses were excluded from testifying on the ground of color. I know that those laws have been changed, and in the State in which I live there is now no exclusion of witnesses on the ground of color.

I can not consent to this provision. I do not believe that all Chinese are liars. I do believe that juries and courts are competent to determine whether, in any given instance, a particular witness is credible or not. The bill in my judgment is radically defective on that ground. I will not consent that a witness shall be determined by law in advance, on account of his birth, to be unworthy of belief. I think such a provision is unworthy of our civilization. I do not know that in that view the pending bill is more objectionable than the act of 1892, but it assumes that every Chinese person of the classes here mentioned, who is found in this country, is here unlawfully, and it throws upon him the burden of proving his innocence.

It is said that the bill does not treat the presence of a native of China in this country as a crime. I am not able to see the distinction between that which punishes an act as a crime and that which defines it to be a crime. What difference does it make to the imprisoned man whether that for which he is imprisoned is described by the law as a crime or misdemeanor or whether it is not treated as a crime at all? The man is punished by deportation in one instance and by imprisonment in the other instance; and when I am told that he is not charged with a crime I ask, if the consequences of the act result in suffering, in the deprivation of liberty, what difference does it make whether we call the act by some gentle name or by the sterner name of a crime?

Again, Mr. President, it is possible that a Chinese citizen may be in this country lawfully. Every single Chinaman has the right to contest that question with the public authorities, and that contention of the Chinaman involves an issue of fact. That issue of fact may be found against him upon insufficient evidence by the *nisi prius* court. He ought to have a right to a retrial of his cause by methods known to our law, by writs of error and whatever else the modes of procedure may be in the courts where the matter is determined. The person may for cause obtain a writ of certiorari from a superior court perhaps, or he may present his record to a judge of a supreme court who may give him a certificate, as is the practice in some of the States, because there may be errors *prima facie*. That person ought to have a right to return to his business and enjoy his liberty while the question is reheard. But the bill provides that he shall not be admitted to bail while this contest is going on; that he must remain in the custody of the marshal.

Now, it is said that this provision is possibly in violation of the Constitution of the United States. Mr. President, there are principles of justice, humanity, and right which are older and higher sanctions than constitutions. I do not inquire whether the Federal Constitution covers this particular case; but there are principles of justice and right to govern us which are older and I say form a higher obligation than the Constitution—the right of a man, while the question of his guilt is being considered, to give bail for his appearance to answer the judgment of the court when that judgment shall be rendered against him.

Why should this not be so? Why should all these men who are contesting their right to remain in this country be denied bail? I should be delighted to hear the reason. There is a right in the State courts (and it is very important that that right should be recognized) to deny bail where the proof is evident or the presumption is great, but there is no such question

here. The Chinese person is to be denied bail because of his nativity, that is all; because he was born in some other country, and he has found a country where the principles of justice are not observed, where the very law declares that he shall not have bail.

It is not to be left to the discretion of a judge. I apprehend that the judges of the courts in California, or in the States where the Chinamen are present, possess the usual quantum of learning, wisdom, and humanity. Why deny it to the judge? Provision might even be made that a judge shall, in his discretion, deny bail, or that the party shall be required to apply to a judge and the judge may, in his discretion, allow bail. Why, I say, make this bald, bold exception simply upon the ground that China is the spot on God's earth where this man was born, as if God did not govern the whole universe, and that the principles of right and justice were not as extensive as creation itself?

I will spend no time in the argument of this question, but I am giving the reasons why this bill, in my judgment, ought not to be made a law by the Congress of the United States.

I repeat, first, because it assumes that all men of Chinese nativity are necessarily liars; that none of them can be believed; and that no judge and no jury shall be allowed to hear them because they are conclusively and absolutely and essentially and necessarily untruthful. Then, again, I oppose the bill for other reasons that I have given. In my judgment it might be adapted to the end in view; it might be enacted with reference to well-established judicial principles; it might allow the courts to hear any testimony that might be offered, which there was any reason to believe, leaving to the courts and juries the duty of determining whether in the particular instance the witness was or was not stating the truth, and then it might leave to the man who is subject to all of these inconveniences as the consequences of his act the privilege of giving bail for his appearance to answer the final judgment of the court.

Of course the bill allows a very large class of officers to make arrests, I believe, without warrant. There is on the second page of the bill authority given to "any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies," to make arrests without formal complaint made before some judicial officer. The consequence would be that the person is left without remedy and is at the mercy of a large class of officers all over the States, officers who are mere deputies, none of them elected, many of whom I know are irresponsible persons. These officers are allowed to capture a Chinaman who may be engaged in some lawful industry; and yet at the will of one of these subordinates he may be taken by the neck and brought before a judge; the case may be hard; no one of his countrymen can speak; although he may be as truthful as the Apostle Paul, none shall be allowed to speak for him, and a judgment of deportation is rendered. There may be errors of law and of fact in that judgment, because our judges are not infallible; and while that man is seeking a rehearing before the established tribunals of the country he remains in jail in the custody of the marshal until that question is tried.

Mr. President, we treat our thieves and burglars better than that. We presume them to be innocent until the contrary is established, and then we allow them bail. But simply because these men were born in another country and have come into this Christian land by authority, many of them rightfully here, even while the man is disputing the rightfulness of his remaining here he is condemned to jail until he proves his right to remain by testimony other than that of his own countrymen, who may know the fact, he is required to remain in the possession of the marshal until he succeeds in overcoming the presumption against him.

I can not vote for the bill. I do not believe that it is necessary for the protection of our fellow-citizens on the Pacific coast that we should violate the principles of justice and right. I will not consent to hold that men are necessarily liars because of their color. I will not consent that men who are contesting their rights by the due form of law shall be kept in jail without the privilege of bail. Having said this much, and having stated the reasons why I think the bill ought not to pass, although I presume it will, having discharged my duty in respect to it, I leave it to those who think that it is possible to find some authority under our Constitution and under that higher constitution of humanity to pass it.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the amendment submitted by the Senator from Minnesota [Mr. DAVIS].

Mr. DAVIS. Mr. President, the object of that amendment is to repeal the legislation of 1888 and 1892, and to put in operation the statutes of 1882 and 1884, which were enacted for the purpose of carrying out the treaty of 1880. I do not rise for the purpose at this time of submitting any remarks to the Senate, but simply for the purpose of explaining the amendment. I

understand that the senior Senator from California [Mr. WHITE] proposes to address the Senate upon this subject, and also the Senator from Massachusetts [Mr. HOAR]. While I have some very clear and decided convictions upon this entire question, they are not irremovable, and I shall listen with great interest and attention to what the Senator from California has to say upon the subject.

Mr. PERKINS. Mr. President, I should perhaps content myself by remaining silent and simply casting my vote on this measure as an expression of the feelings of the people on the subject whom I have the honor in part to represent in the Senate; but it is a question of such vital moment, of such great importance not only to California, but to the whole country, that I feel I would be derelict in my duty if I did not briefly give my views, as I understand them, of the facts before us under consideration in the pending bill. I shall, however, in the discussion of the case presented by the bill, content myself with the general principles, leaving it to my colleague [Mr. WHITE of California] to take up and argue the various phases of the question presented.

CALIFORNIA DOES NOT ASK AN EXTENSION.

I may say in the commencement, however, in answer to the distinguished Senator from Illinois [Mr. PALMER], that the people of California are not asking for this bill. It is the Chinese and their attorneys who come here and ask for special legislation in their behalf. We are satisfied with the law as it now is upon our statute books and as it has been construed by the highest judicial tribunal of the land. It is the Administration that is asking for a special act of Congress to relieve the Chinese among us who have refused to obey the law of the land as it has been judicially construed by our highest tribunal.

The details of this question are most interesting, but in view of the very extended and various debates on this and similar bills in Congress, little has been left that has been unsaid. The measure in other forms has received consideration from the best minds of our land, and, though it has been strongly opposed by certain classes and sections, it has always been passed.

THE IMPORTANCE OF THE QUESTION.

The subject is certainly an important one, and though the Pacific coast of our country is probably the most interested as yet, it is important to all sections, for unless the tide was stopped it might not be long before it took a turn and affected other sections as disastrously. Both sides have had their day, and in deed weeks and months in court, and the contributions therefrom have been very extensive and most exhaustive.

To the people of the Pacific States this is an old, old story. I believe that no one doubts us the right of protection, though in protecting ourselves it is urged we have not the right to injure the rights of others, especially as the others in this case are here by the power and right of a sacred treaty.

THE DANGERS ANTICIPATED WHEN THE TREATY WAS MADE.

All kinds of opinions and all kinds of theories have found their way into this discussion since the adoption of the treaty in 1880. But it will be remembered by the conditions of that treaty we reserved the right to "limit or suspend the coming of the Chinese." There were fears then, by those who have examined the question, that there might be danger in it, and experience since has proven that the fears were not without foundation.

The various exclusion acts which have been passed are sufficient in everything, except that they do not exclude, and it was to enforce them and to remedy their imperfection that the act of Congress of May 5, 1892, was found necessary.

EXCLUSION ACTS DO NOT EXCLUDE.

Experience has demonstrated that the Scott exclusion act did not exclude, for the reason that it was deficient in not properly showing the Chinese who were here by right and who were here in violation of the law.

To ascertain exactly the Chinese who are here by right, it was proposed that they should be registered, the same as we are registered, before we have the privilege of voting at the various polls in the different States of the Union.

There were no harsh features or expense to the Chinaman in the remedy, which was simply intended to carry out our existing law, and which, under the treaty which we had entered into with that Government, we had the right to do, for it says, "to limit or suspend the coming of the Chinese." But the Chinese refused to assist us in ascertaining who were here lawfully by declining to register and openly defying our laws. In this refusal they did not act on their own volition, but were governed by orders of their Chinese superiors, and not by the mandates of our courts or officials.

CHINESE NOT FREE AGENTS.

And here I desire to state one of the most important factors in this case. The great mass of the Chinese who are among us are not their own free agents, but they are controlled and governed by organizations as separate and distinct from our own as China is distinct from the United States.

Many of these Chinese, to my own personal knowledge, were willing to register and were deterred only by fear of punishment by their respective companies. They recognized the fact that they were subject to the law of the land in which they sojourned, and were in no sense superior to our people, that they were amenable to the laws and regulations of our Government, but the edict issued by their organizations which recognizes Chinese courts of control, the organizations and associations which own them and which control them, was too powerful for them, and so they refused to register. It is said in extenuation, that they now find they made a mistake, and that, if the time for registration is extended according to the provisions of the pending bill, they will comply with the law and register.

Mr. DOLPH. I should like to ask the Senator from California who said that? Will the Senator specify who has said it?

Mr. PERKINS. My friend from Oregon simply anticipates the answer I am about to make.

Mr. DOLPH. Very well.

Mr. PERKINS. If it is not satisfactory, later on I shall be pleased to have the Senator ask that or any other question in relation to this subject-matter, for it is one in which our people are deeply interested, and if I can not answer satisfactorily I know that my colleague on the other side can do so; and therefore the Senator will not disturb or interrupt me in the least by asking any question relating to this subject.

THE PEOPLE DOUBT THE PROMISES OF THE CHINESE.

As I stated, it is possible that they will register, but judging from our past experience the people of California have great doubt about it, and I find that this doubt is not limited alone to the people of that State but to the people of the whole country who have a knowledge of the Chinese and their peculiar character; and it may not be long before there will be a demand for further legislation on the subject, as those who persist in refusing to register may continue to disregard our laws.

Petitions and memorials have been received here from the Chinese showing that they acted under legal advice, and now, that our courts have decided that this advice was bad, they indicate a disposition to comply with the law and register if a special act of Congress is enacted for their benefit.

SIX MONTHS' EXTENSION OF TIME ASKED.

Under these circumstances, this extension of six months is asked for, but what guaranty have we that the same legal advisers will not combat the law in their interest and again delay the registration the law compels beyond the time for which the present measure extends? Who makes the request for this extension of time? The Chinese Government, which is the only power that should ask it? Oh, no; it is asked by the attorneys who gave the Chinese the advice to defy the law. It is true that the Chinese minister has admitted that the "additional opportunity to register would afford his Government great satisfaction;" but there is no guaranty from him, and he gives no assurance or promise in all of the correspondence which has been submitted that the Chinese subjects will register. All that he says is contained in the communication asked for by Congress from the President, and submitted to us for our information a few days since.

WILL AFFORD THE CHINESE "GREAT SATISFACTION."

It is as follows:

To the Senate of the United States:

In response to the resolution of the Senate of the 10th instant, concerning the attitude of the Government of China with regard to an extension of time for the registration of Chinese laborers in the United States under the act of May 5, 1892, I transmit a report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, October 18, 1893.

The PRESIDENT:

The undersigned, Secretary of State, to whom was referred the resolution of the Senate of the United States of the 10th instant, requesting the President, "if not incompatible with the public interest, to inform the Senate whether the Government of China has requested of the United States an extension of time for the registration of Chinese laborers in this country, as required by the act of Congress entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892, or has given to the United States any assurance that if the time for such registration shall be extended such Chinese laborers will register and take out certificates, and if such a request has been made or such an assurance has been given to transmit to the Senate copies of all correspondence concerning the same"—has the honor to lay before the President the following report, to the end that it may be communicated to the Senate should the President deem it proper so to do:

While the Government of China has not formally requested that the time for registration provided by the act of Congress entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, be extended, and no formal assurance has been given that if extended Chinese laborers in the United will take out certificates as provided by the act, the Chinese minister has repeatedly asserted, in conference with the undersigned, that his countrymen residing in the United States at the time of the passage of the act, on the advice of eminent counsel and in good faith, refrained from registering within the time allowed, and that it would be unjust to deny them another opportunity to register. The minister more

than once has given assurance that an additional opportunity to register would afford his Government great satisfaction.
Respectfully submitted.

DEPARTMENT OF STATE,
Washington, October 11, 1893.

W. Q. GRESHAM.

Perhaps, Mr. President, we should be gratified to know that the "additional opportunity to register would afford the Chinese Government great satisfaction," but our people very properly demand more than this. It would gratify my colleague and myself exceedingly if we were able to say that the people of the Pacific States are pleased at the prospect, but we can not do so. They are not pleased, for they feel confident, reasoning from past experience, that this is but another form of delay, to postpone the enforcement of if not to abrogate the statutes of our land, which every good citizen of this Republic feels not only a legal obligation, but a moral obligation to obey.

THE CHINESE LIKELY TO AGAIN TEST THE LAW.

The result will probably, then, be that the Six Chinese Companies that control, body and soul, the Chinese who are here among us, will again contest the pending measure should it become a law, and as it is an amended law, new issues can be joined, and the courts may place a different construction upon it from that which they placed upon the original law.

We would then be where we are now, and all because there is no guarantee about it, but simply because it would give the Chinese Government "great satisfaction." Possible delay and prospective postponement probably is the cause of the "great satisfaction."

The same eminent counsel, with the same "good faith" and good-sized fee will, in all probability give the advice which they desire. The Chinese are a peculiar, as they are in many respects a wonderful, people. One of our most humorous and versatile American writers has tersely photographed their character when he says:

Which I wish to remark,
And my language is plain,
That for ways that are dark
And for tricks that are vain,
The heathen Chinese is peculiar.

ONLY THE LOWER CLASSES COME TO US.

My own idea is, and my experience and observation tend to confirm the opinion, that it is only the lower classes of the Chinese who come here, and it is for this class that the bill proposes to legislate. They look at but few things as our people look at them. The great majority of them and their friends thought that Congress was not in earnest in passing the present registration law. They have an all-abiding faith and confidence in the use and power of money; and they imagined that by money they could defeat the provisions of the law by undue influences with our courts and our public officials.

There are honorable exceptions to all rules, but they have no conception, as a class of people, of the high moral law as we understand it. They think that everyone who has any connection with the carrying out of the law can be bribed, and that there is no such thing as honesty, principle, and character among our people, when weighed in the scale with money. Money is one of their idol gods, to which they pay homage and burn sacred incense.

WE SEEK ANY REMEDY TO CURE THE DISEASE.

Those who have thoroughly considered the subject-matter can have but little confidence in the pending bill doing any more than its predecessor did. But the disease is here, and our people are willing to adopt this or any remedy that will cure, or that even promises to cure it, though we would prefer something more. We would prevent the disease. Certain it is that the people of the Pacific coast are looking for a cure, for they painfully realize that they are suffering from the dreadful scourge of Chinese immigration, and they are willing and anxious to secure a remedy.

NOTHING HUMILIATING IN THE PHOTOGRAPH.

Criticism has been made of the provision for photographing, and I regret that some of the members of the Committee on Foreign Relations, which reported the bill, do not look with favor on the provision for photographing Chinamen and attaching the photograph to the certificate of registration. It is claimed by some that the photographing is very humiliating. There is nothing, Mr. President, in this criticism. The Chinaman himself never thought that there was anything humiliating in photographing and has never made any complaint. Humiliation can not enter or play any part in an organization which is as stoical as that of the Chinese.

The photographing clause is rather for the benefit of the Chinaman himself, as well as others, for there is no other way by which a registry of their description can be kept, that is, a registry that will amount to anything. They are not marked as other people are. They all have a tan-colored skin. They have

black hair and almond-shaped eyes, and are about the same height and build. Place one thousand of them in a line and the same personal description will answer for every one of them.

It is impossible to make even a comparative guess of their ages with any degree of accuracy. The old and the middle-aged look so much alike, that men who have lived among them for years are unable to guess within ten or fifteen years of the age of a Chinaman.

Mr. DAVIS. Will the Senator from California allow me?

Mr. PERKINS. Certainly.

Mr. DAVIS. If all that is true, of what use is a photograph?

Mr. PERKINS. I am about to come to that. My friend has simply anticipated. When I get through, if I have not conclusively answered his question, I shall be glad to have him ask it again.

A PHOTOGRAPH EVEN WILL NOT IDENTIFY.

This similarity of appearance and features is not the case with any other people who come to our shores in very large numbers. Those who have given great attention to this matter have finally become convinced that there is no other way to distinguish them, and it is not claimed that even a photograph will always do this, for the features, the facial characteristics of many of them are so nearly identical, that the photograph will not always do what is needed. However, there is no better way under the sun that I know of, and I do not believe my friend from Minnesota can suggest a better mode than the photograph, though it is admitted that even the photograph is by no means satisfactory. The idea that the photographs are made up, as it has been charged, to adorn a "rogues' gallery" is simply nonsense and without reason.

No one has ever thought of such a thing except the astute attorneys of the Chinese, who seem to be so much more careful of their clients than the Chinese are themselves. For many years every Chinaman who has been convicted of any serious crime in California has been photographed. No other way has been found by which the keepers of the prison can identify them and thus be able to tell exactly when their terms of sentence have expired.

This feature is, in the opinion of many, the most important in the law, and without it, it is almost certain that the law could not be enforced, for departing Chinamen by the thousands every year would leave this country and turn over their certificates of residence to others to come in. There is absolutely no other way of preventing such a traffic, except by the photograph, and that even will not work effectually in all cases.

HOW THE LAW MAY BE EVADED.

A few days since I received a letter from a well-informed friend in California, in which he pointed out how the Chinese intended to do even more registering, providing they decide to register at all, and if this bill passes to permit them to do it. He states the case so well that I quote from his letter:

By the extension of time for registration afforded by the McCreary act—

That is the pending bill—

every Chinaman will register no doubt—if their companies permit them—but he will not stop at one registration, he will register a half dozen times. For instance, Ah Jim will register at San Francisco to-day as Ah Jim. He will register the next day at Oakland or Merced as Ah Sin. His personal appearance may be a little different each time. As Ah Bum he registers the following day at Fresno, and Ah John the next day at San Francisco or some other city. Ah Jim may register twenty or one hundred times.

I notice that in the bill under consideration no penalty is attached to Ah Sin for having done this. He may register as many times as he pleases, provided he does not represent his name as Ah Sam when it is Ah Sin. There is no penalty; and so he can go through our State as a missionary of registration, furnishing certificates for his cousins and his cousins' cousins who are to follow in his footsteps hereafter. So, as this friend writes, he may register twenty or a hundred times perhaps, and take the certificates and send them across to China to his brother or cousin and sell them for a few hundred dollars.

I remember reading a few days since the report of one of the immigration inspectors in New York stating that the Chinese are coming in from Cuba and the West Indies. We know they have been smuggled in from British Columbia. In such cases the certificates become invaluable to them. My correspondent continues:

He will take the extra certificates and send them to a broker in China, who will sell them for a couple of hundred dollars each.

The broker will have 400,000,000 to pick from, and as all the Chinese are smooth shaven and look alike anyhow, it will not be difficult for the broker to find a man to fit each certificate. By the time the registration under the law closes we will have issued possibly a half million certificates and will thereby legalize the presence in this country of 400,000 Chinamen more than are here now.

WITHOUT THE PHOTOGRAPH NO SECURITY WHATEVER.

While there may be some exaggeration as to the number of Chinese who will thus falsely register, I am fully convinced in

my own mind that, even with the photograph, there will not be entire safety, and without it there would be none whatever.

Too much care can not be given in this matter to the meaning of the terms "laborer" and "merchant," for upon that much of the success of the operation of the law will depend. In this whole matter we are dealing with a very remarkable class of people, a people whose cunning has no bounds. A Chinese laborer for a fee of from \$20 to \$50 can become a member of a merchants' firm, say the firm of Quong Lee Long & Co. This firm, for the sum named and other sums, may have already over 100 members, and about the only business done by the firm is merchandising in Chinese. There is no limit to their number, and all who have the money can become "coöperative members" and receive from it and similar firms certificates of membership. Such certificates have already been used in the courts for the admission of Chinese who had no right to land on our shores, and they will continue to be used unless the strictest possible construction of the word "laborer" is maintained.

NOT A PARTISAN POLITICAL QUESTION.

The immigration of the Chinese into this country has long since ceased to be a partisan political question. Men of all parties and creeds who have a knowledge of these people agree that they are a blight upon our industries and citizenship, and an injury to our people. At the general election held in the fall of 1879 in California, in accordance with a statute providing therefor, the question was submitted to the people of that State "for" and "against" the policy of permitting the unrestricted immigration of Chinese to continue, and out of a total vote of 161,405 there were deposited in the ballot box only 883 votes for such immigration. Every day since that election has served only to convince the then almost unanimous opinion of our people that they were right. The Chinese do not, they can not, they will not assimilate with us.

THE CHINESE WILL NOT LEARN.

They know nothing about our free Government, our standard of civilization, or American citizenship, and they care less. They know nothing and care nothing about our institutions, and they have no desire to learn about them. Our people of California believe in churches, in schools, in families, and the home; these are our citadels of liberty. The Chinese, on the contrary, care nothing about such matters. They have, it is true, a labor to sell, but it is a servile labor, a slave labor, for they are tied down by contracts of their own making, which places them in a condition worse than slavery; their servitude can never end. They take no more interest in our affairs than if they were not here. It matters not how long they remain with us, they go away ignorant of our American institutions, simply because they do not want to learn.

THE PEOPLE WILL YIELD NO FURTHER.

For fear that we might in some way violate our treaty obligations our people have yielded point after point in favor of the Chinese. They do not want to yield any further, and insist that the law shall be enforced. They want a law so adjusted and severe in its penalties that it can not be evaded or discarded or openly violated. They know that the ordinary Chinaman, by some mysterious process of reasoning, thinks that he represents a higher plane of civilization than our people occupy, and they want provisions enacted which will prevent them from clandestinely coming into this country against the laws of our land. But they also recognize the fact, for fact it is, that the enormity of this question is not understood or realized on this side of the mountains, for out of the 107,000 Chinese in this country, according to the last census, nearly 80,000 of them are living in California.

AN UNDESIRABLE, A CONTENTION-PRODUCING PEOPLE.

The Chinese are an undesirable class of people. This is the unprejudiced judgment of people who know them, after years of experience. They are, it is admitted, a remarkable people in many respects, and many things can be said in their favor, for no one can be so biased as not to recognize this, but on the whole, considering their good and their bad points, we would be much better off if they had never come among us, or if they would now go back again. Many industries that depend upon their labor would, it is admitted, temporarily suffer in California, but in time these would right themselves. Their presence among us has kept up a continual contention that has done us steady harm. It has caused factions among ourselves, politically and religiously, and it has created misunderstandings and sectional strifes that have resulted injuriously to our common interests. It has separated us, and it had caused us to some extent to lose confidence in each other's judgment. Bitter quarrels have resulted from their presence and, worse than all, the morals of our youth, the promise of the future manhood of our country, have been undermined, for it has happened that, contrary to the experience with the people of other nations, our

youth have copied only the injurious traits and habits of the Chinese. They have copied their vices instead of their virtues. In this respect it is hardly possible to calculate the injury the Chinese have done us, and those who are to follow us.

THE CHINESE A VIOLATOR OF OUR LAWS.

The Chinese have no respect for our laws, they violate our laws greatly out of proportion to any other number of people among us. In this connection I desire to state that I have recently received a letter from the chief of police of San Francisco, giving his experience in that city, which is a fair index of other cities relating to the Chinese. He has occupied the position for nearly half of his lifetime, and is one of the most faithful and conscientious officers in the performance of his duty. He has the respect and confidence of all who know him, and his opinion upon this question can be taken as the truth so far as it relates to his personal experience with the Chinese. He says:

OFFICE CHIEF OF POLICE, San Francisco, October 19, 1893.

DEAR SIR: Replying to your communication of the 11th instant, asking the percentage of crime committed by Chinese as against that of all other classes and requesting my opinion about the influence for evil that the Chinese have upon our young people, you are informed that the number of Chinese arrested for ten years ending June 30, 1893, is 20,000.

As compared with all other classes, about 11 per cent of offenses charged is committed by them.

The principal offenses committed by Chinese are "burglary," "larceny," "robbery," "murder" and "assault to murder;" "keeping opium dens," "gambling," "violating health and fire ordinances;" in fact they commit about every offense known to law.

In the cases of all other classes arrested about 70 per cent are charged with drunkenness.

Mr. HOAR. What percentage of the population are Chinese?

Mr. PERKINS. About 15,000 are now there. Our population is about 300,000. The chief of police continues:

Among the Chinese not 3 per cent are arrested for the latter offense.

That is, for drunkenness. In that respect they are exempt from that evil of American civilization.

I believe—

He says—

The influence of the Chinese for evil over our young people is great, and particularly so in the direction of immorality, gambling, and opium-smoking. I will also add that, with few exceptions, they appear to have no respect for our laws; in fact, they are the most persistent lawbreakers known to the police.

There are a number of secret societies here whose members are principally composed of highbinders, and whose object is to levy blackmail upon their countrymen, and, when not successful at that, they commit murder.

I tried with all the ingenuity I possessed to break up those societies in a legal way, but by their cunning, "of which they can beat the world," I did not succeed.

Their outrageous acts became so numerous that the press attacked them very severely and forcibly, which caused me to assume the responsibility of sending a squad of police to raid their meetings, in which the united press indorsed my action.

I estimate the Chinese population to be at least 15,000, and will increase before the winter sets in, because they flock to this place at that season from all over the coast.

Yours, truly,

P. CROWLEY, Chief of Police.

HON. GEORGE C. PERKINS,
United States Senator, Washington, D. C.

THE LAW DOES NOT FORCE THEM OUT OF THE COUNTRY.

These things are sufficient for consideration by themselves, but they are not exactly what we should consider now. The Chinese are here; they are here in large numbers; and they are here under our pledge that they are to receive the same protection as the people of the most favored or desirable nation.

It was not intended by the present law to force them out, to remove those who are here rightfully, but to prevent the further coming of a class which are admittedly objectionable. The existing law requires those who are here to be registered, so that if any are found hereafter without being able to show a certificate of registry, it can be presumed that they are here without right, in violation of the provisions of the treaties and our laws.

WE ARE OPPOSED TO THE FURTHER COMING OF A BAD CLASS.

We do not desire to allow the number of Chinese of the lower classes—the coolies—to be increased in this country. No people more than those of the Pacific coast recognize the value and nobility of labor, for "honest labor bears a lovely face," and no people ever had so much of it to do, to build up the homes they now enjoy, to build up a great Commonwealth on the western shores of this continent, as the people of our State. They had to dig out of the rock the gold and silver that has enriched the world, and they had to level mountains in doing so. They cultivated the fields, they planted the vines and trees that now furnish breadstuffs and fruit to all parts of the world. The tremendous labor they performed, and are performing, is a surprise to the world, and it was only by it that they made their civilization possible and secured the comforts which they enjoy to-day. There are none among them who do not glory in the results of labor. But there is labor and labor. The labor given by the Chinese is a debasing, a degrading labor. Why, sir, one of the principal curses of slavery in our midst in this fair land

was, that the labor of the slave degraded instead of elevated our people, that it injured instead of benefited all who came in contact with it. Just so is the servile contract labor given by the Chinese. It produces results? Yes, but the results are not satisfactory; the results are obtained at the sacrifice of American citizenship.

A GREATER CURSE THAN AMERICAN SLAVERY.

I think that the servile contract labor of the Chinese is a greater curse upon this land than African slave labor ever was. The man who owned a slave had a pecuniary interest in keeping him healthy, in providing for him. It was to his own financial interest to do this. But the employer of the Chinese contract laborer cares for him only so long as he renders him service for the money he pays. It is more degrading, more debasing, more demoralizing to our people, if that is possible, than ever the slave labor of this country was.

What have we passed through in this land to wipe out the curse of slavery? Can we not read the lesson in history written in fire, in blood from the veins of the brightest men in this land to wipe out that great curse? Can we not profit by that lesson, and say here to-day, thus far shall you go, but no further shall the servile contract labor of China pollute this great Republic?

A LABOR THAT INJURES RATHER THAN BENEFITS.

The labor performed by the Chinese has injured far more than it has benefited, either in California or any other State in this Union. It is not the labor that America demands and that her people have a right to expect and receive. It pulls down from that high position of dignity which labor should occupy and degrades it and keeps it down. It breeds contentions, it suggests and encourages difficulties, and it exasperates on all sides. It is not ennobling, it is not good, and it is not satisfactory. Labor is honorable, it matters not whether it is performed with the pick and shovel, by the sailor who mans the vessel, by the farmer who tills the soil, by the tool of the mechanic, the delicately adjusted instruments of the astronomer, or the scalpel of the surgeon. Labor is always honorable, but there is a great difference, there is an insufferable gulf, between labor and the work of the Chinese.

THE CURSE OF CHINESE LABOR.

Everyone who has watched the progress of both has long since observed that the curse of Chinese labor is that it is not independent, that it is secondary to other factors than that of the employer and the employés. It makes room for an intermediary, and it lacks the efficacy, the dignity of true labor, because it is deficient in the essentials.

Under our treaty (and we have not and we do not want to violate any portion of it, either in spirit or letter) we are compelled legally and morally to protect the Chinese who are here with us, and we have and will continue to do so while they are among us. Acting under that treaty, and its provisions were ample, our people thought they had a right, they knew they had a right, they believed it for the best interest of this country to exclude Chinese immigration, which we had a right to do under its provisions.

WANT THE LAW THOROUGHLY ENFORCED.

We also want to enforce the exclusion act to the letter, and to aid us in that we enacted the registry law. And more than this, we want to stop continual agitation. We want to have this Chinese question settled once for all time. We want a rest and a chance to try the supposed benefit of the workings of the registration act. We want to put a stop to the oft-repeated cry of injustice to the Chinese; to the idea that the people of California (and I want to say that the people of California are the equal of any in moral character, in beneficence, in philanthropy, in enterprise, in all things that go towards making up good American citizenship, of any people in the world) are cruel towards the Chinese. They are a people who compare in the most favorable light as a class with any in this great Republic.

It is unjust to them that an erroneous impression on this subject should get over the land. It is to them a great injustice, and it prevails not only here in the Atlantic States but in Europe and elsewhere. We have been misrepresented. No Chinaman has ever been there assaulted or injured or has been in any greater danger at any time of being assaulted or injured than any citizen of the Commonwealth of Massachusetts. Our people will not tolerate, and have never tolerated, and have no disposition to wrong the humblest resident among them, no matter whether he comes from the isles of the Pacific, from China, or from any other country.

EVERY CHURCH A BEACON LIGHT OF CIVILIZATION.

We want to convince the good people of our own land. We want to convince the church-going people, who have so numerously petitioned Congress in behalf of the Chinese, that the people of California are in full sympathy with them for the stand they take for good government and good morals. They recog-

nize that every church is a beacon light of civilization and is a bond for law and good society and the sanctity of the home, and that, while the petitioners are undoubtedly actuated by the very best of motives and purposes, they are entirely unacquainted with the people for whom they so eloquently plead.

Kind-hearted, benevolent, and Christian men and women in California and the other Pacific States have organized in their churches, Sabbath schools and aid societies, with a view to Christianize the Chinese, but I think it is safe to say that not 2 per cent of the Chinese, after thirty years of earnest effort, have been converted to Christianity. It is clearly a case of love's labor lost.

CHINESE WORSHIP OF THE EVIL ONE.

The Chinese have their joss houses, their places of worship in every block in Chinatown. They burn incense to their gods. They pay homage to the evil one, because they say the God we teach them to worship can do no wrong, and, therefore, if they can get on good terms with the evil one they are all right, and so they pay tribute to him. But it is not the highest motive which prompts men to be good only because they fear punishment hereafter. I do not think much of that religious sect or that man who embraces religion only because he fears the punishment which will come to him if he does not embrace it; rather let him embrace religion because its teachings are good and beautiful and elevating, and because God is love.

Mr. President, the people of California are generous to a fault; they are not engaged in any war against the Chinese. They are engaged, however, in something higher and nobler—in a contest to protect themselves, their reputation, their homes, and their youth from the contaminating influences of a people who are debasing to all who come within their radius. They do not want to strike one blow at the Chinese, but they do want to save themselves from the blighting influences which the Chinese have instituted in our midst; they do want to enforce that protection which the laws give them, and to palliate, if possible, the operations of a treaty which this country has made, and which has been found to work most injuriously to their interests.

OUR PEOPLE A CHURCH-GOING PEOPLE.

The people of California, and of the adjoining States are a cosmopolitan, but a law-abiding and high moral class, and they are a church-going people. They may be, and probably are, more broad-minded and care less about what particular form of religion is taught than people in other parts of the country, but they sympathize with every religious faith, sect, or creed which has for its object the bettering of the people and the elevation of their moral character. They have suffered from the Chinese, though in many instances they may have been benefited individually by their presence. They are anxious that the registration law shall be enforced as a means of preventing more Chinese from coming among us.

There are enough Chinamen in this country now to experiment on, and our people are not willing that the experiment shall be conducted on any larger scale. Experience has demonstrated to them the evil of this great influx of these undesirable people, and they appeal to Congress for the remedial legislation which the registration and exclusion act promised.

It is not my intention or desire to discuss this measure at this time in a more detailed manner. There are so many objections to the Chinese that a mere recital of them would occupy much more time than it would be proper or fitting for me to claim.

WILL NOT BECOME PERMANENT RESIDENTS.

The Chinese are undesirable for many causes; but among the principal ones is the fact that their stay with us is only a passing event, and that none of them hope or expect to become permanent residents among us. They add nothing to our prosperity and take everything they earn back to their own country. They would not, if they could, become citizens, and they are so careful about this that everyone of them comes here with a contract that in the event of his dying here his bones shall be sent back to the land of his ancestry.

That is why I used the expression that the Chinese Six Companies own the Chinamen body and soul. They think they would never go to the flowery land of their ancestors if their bones were permitted to remain here upon our soil; and so, in the contracts which they make, it is stipulated that their bones shall be sent back, and every steamer which leaves the port of San Francisco and the port of Victoria, on Puget Sound, carries back boxes and boxes of the bones of these dead Chinamen.

AN UNHOLY CONTRACT.

I will add that the Chinese differ in this respect from every other class of people who come among us. The contract which is made is not one of filial love or brotherly affection. The last service of shipping the bones of Chinamen is not done by some sorrowing friend who gathers them and sends them back that they may rest in peace in the home cemetery, but by these

cold-hearted agents of the Six Companies, who perform the service for so much consideration, which is "nominated in the bond."

The United States collector of internal revenue in San Francisco, and also some of the ablest statisticians of the leading journals of the West have made a computation, and they estimate—and they are very competent to do so—that the Chinese have sent or taken back to China in the thirty years they have been in this country the enormous sum of \$810,000,000. This, in the minds of those who have had experience with the Chinese, is sufficient to satisfy them that the Chinese, leaving all other questions aside, are undesirable, not to use a harsher word.

I have not gone into the details of this question to show in what manner these people live and how they are crowded together, contrary to all sanitary laws and to all regulations which everyone recognizes who wishes to enjoy health. I shall not attempt to describe to you their food, 96 per cent of which consists of rice and tea. They contribute nothing to the support of our country. I shall not weary the Senate with these details.

DEGRADING TO AMERICAN MANHOOD.

In answer to what I have said it may be replied, "they have contributed of their labor, have they not? They benefited you by giving you their services in building canals, in building railroads, in cultivating the land, and in building ditches." Yes, I must answer in the affirmative; but as I have said before it is a contract, a servile labor, which is contrary to our laws and which is degrading to American manhood. It is, I repeat, a labor more humiliating and more debasing than slave labor. If the same labor had been given to others—and it would have been except for the presence of the Chinese—the result of the labor would have been left in our country by those who, from love of our institutions, would have become citizens of this great Republic; who would have built up their homes, raised their families, supported our public schools and other institutions, and thus have become factors in this great Government.

THOUGHTFUL PEOPLE DEMAND EXCLUSION.

The demand for exclusion, and for registration as a means of aiding the exclusion, I reiterate does not come from the so-called "hoodlums" and "sand-lotters," of whom so much has been printed in the public press in the Atlantic cities; but it comes from the thoughtful people of our State, who are most interested; it comes from the fathers, from the mothers, from the guardians of the youth of the State, and from those who are interested in the advancement and prosperity of this great country. It is a universal demand, and it is for this reason that I do not think the Chinese have any claim upon the country or upon Congress to ask for this extension of the law which they have violated deliberately, intentionally, and contrary to the mandates of Congress.

But, Mr. President, in marked contrast to those who have refused to obey the law, in marked contrast with the Chinese, I wish to say that the people of the Pacific coast, from the State of Washington to California, all over that beautiful land which waters the western part of this great Union of States, will bow in submission to the will of Congress, for they are a law-abiding, liberty-loving, and patriotic people.

We of the sunset land of the nation have an abiding faith in the wisdom, justice, and patriotism of our fellow-citizens of these great United States. We believe that as soon as you investigate and understand the real question at issue we shall have your sympathy and cooperation in banishing from our midst this growing evil.

STAND SHOULDER TO SHOULDER AND REPEL ANY INVASION.

As common citizens of a progressive Republic it is our duty to stand shoulder to shoulder in repelling the invasion of not only the coolie of Asia, but also the pauper, the criminal, and the contract laborer of Europe. Let our school bells ring out their peals from hill and dale, from the mountains to the sea, from every hamlet in the land, that we have resolved it to be our bounden duty, first, to educate and rear the children of our own citizens and prepare them for the high duty of American citizenship, before we permit others to come in and usurp their places.

REMISSION OF DUTIES ON WORLD'S FAIR EXHIBITS.

Mr. CULLOM. Before another Senator addresses the Senate on the pending bill I ask unanimous consent of the Senate for the present consideration of the joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition, which has come from the other House and been referred to the Committee on Finance.

The joint resolution refers to foreign goods on exhibition at Chicago, and the proposition is to reduce the customs duties to one-half on all the goods there at the time of the passage of the joint resolution. I am informed by members of the committee

that they are not in favor of any of the provisions of the joint resolution but the last clause, which reads as follows:

And provided further, That all foreign exhibits at such Fair acquired by contribution or purchase by the Columbian Museum of Chicago for its own use shall be wholly released from all customs duties.

The portion which I have read is all of the joint resolution which I desire to have passed at this time. Since the approach of the close of the World's Fair there has been organized what is known as the Columbian Museum of Chicago; and as Senators have probably noticed from the press, Mr. Field, a very prominent merchant there, has contributed a million dollars, and many foreigners are disposed to give or to sell articles which have been on exhibition, which they prefer should go into that museum.

I think, under the circumstances, the portion of the joint resolution which I have read should be allowed to pass, if not all of it. I ask that the joint resolution be taken up for consideration, with a view of securing that provision at least.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MCPHERSON. I wish to state that the Senator from Illinois was not quite correct when he said that all the members of the Finance Committee objected to the provisions of the joint resolution. Speaking for myself, I wish to say that I am in favor of each and every provision contained in it. At the same time I take no exception to the action taken by the Senator. I think he is quite right in saying that a majority of the committee are opposed to the resolution in its entirety.

Mr. CULLOM. I ought to have said that the committee was not favorable to the passage of the entire joint resolution, and I stand corrected by the Senator from New Jersey. All I ask is that the joint resolution may be taken up and that all of it may be stricken out but the last clause.

Mr. JONES of Arkansas. So far as I am individually concerned, I have not looked at the joint resolution particularly, and I do not know that I have any objection to it, but it seems to me that at least the chairman of the Committee on Finance ought to be present before any action is taken, as the joint resolution has not been considered in the committee for amendment, and has not been acted on favorably by the committee.

Mr. MORRILL. I think the Senator from Illinois had better allow the joint resolution to remain until the chairman of the committee returns to the Senate.

Mr. CULLOM. In justice to myself I desire to say that I consulted with the chairman of the committee before I saw any of the other members of the committee, and told him it would be a little odd for me, not being a member of the committee, to report the joint resolution.

Mr. MORRILL. The joint resolution can not be considered by the Senate without first discharging the Committee on Finance from its further consideration.

Mr. CULLOM. I do not seek to press the joint resolution if any Senator objects to it; but I saw the chairman of the committee [Mr. VOORHEES], the Senator from Ohio [Mr. SHERMAN], the Senator from Vermont [Mr. MORRILL], the Senator from Missouri [Mr. VEST], the Senator from Arkansas [Mr. JONES], the Senator from Tennessee [Mr. HARRIS], and the Senator from New Jersey [Mr. MCPHERSON], and I supposed it was perfectly proper for me to submit the motion I have.

Mr. JONES of Arkansas. I should not object to the present consideration of the joint resolution individually, but I do not believe that the practice of passing measures in this way, which have not been considered by committees, is a good one; and I think it ought not to be indulged in.

Mr. CULLOM. I should not have requested that the resolution be taken up but for the fact that I am anxious to go away, and I was desirous that the little provision to which I have referred, should at last be saved.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Illinois.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEARY, Mr. BARTLETT, and Mr. FLETCHER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes;" and

A joint resolution (S. R. 36) transferring the exhibit of the Navy Department, known as the model battle ship Illinois, to the State of Illinois, as a naval armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition.

NEW YORK AND NEW JERSEY BRIDGE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey, disagreeing to the amendments of the Senate and asking for a committee of conference thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. GORMAN, and Mr. FRYE were appointed.

CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

Mr. DOLPH. Mr. President, I do not care to weary the Senate at this time by discussing the character of Chinese laborers in this country, the undesirability of a large number of them here, the history of the Chinese here, or of the legislation intended to restrict or prohibit the coming of Chinese laborers to this country. At an early day in the session, knowing that the Chinese question was an important one and would immediately demand the attention of the Administration, and probably of Congress, I took occasion to discuss the so-called Geary act, and the necessity for an appropriation for its faithful execution.

I took occasion then to advert to the fact that under our form of government the powers of government are divided between three great departments, and that the power to make laws is exclusively conferred upon Congress; that the executive has no discretion but to enforce a law of Congress, and that the President is as much bound by a law of Congress as the most humble individual.

As I said on that occasion, the extending the time for Chinese laborers to register is not incompatible with the general purpose of the so-called Geary law. That the purpose of that act was to enable the Government to distinguish between the Chinese laborers lawfully in this country and those who had or should come into the country unlawfully. It was supposed that a system of registration was the only practicable method by which the Government might be enabled to do so.

I then explained my connection with the so-called Geary law, the fact that I had agreed to a provision for registration under a sort of compulsion, all the existing legislation in regard to the coming of Chinese laborers into this country being about to expire by limitation; that I had drawn a provision which differed materially from a similar provision contained in the bill as it came to the Senate from the House of Representatives; and that, in my judgment, as finally enacted into law, it was neither a violation of the treaty with China, nor was it degrading to the Chinese in this country. I took occasion then to say, and I repeat it now, that the only palpable violation of the treaty with China in regard to the coming of Chinese laborers into this country was the so-called Scott exclusion law of October 1, 1888. I then described the manner in which that measure had been introduced into Congress, and had been passed. I propose now to fortify my statement in regard to the character of that measure by reading a quotation from the speech of the senior Senator from Colorado [Mr. TELLER] made in the Senate the day after the Scott bill came into Senate. He said:

Now, Mr. President, what is the condition of this bill and what are the circumstances under which it comes to us? Yesterday, as the Senate was proceeding with its business in the usual way, there came in a bill which I learn now has never seen a committee of any body, of either this House or of any other. It never ran the gauntlet that every bill runs of criticism; it has never been printed. I do not know that I am at liberty to say who introduced it in the House of Representatives. I do not know how far I can go upon a question of that kind. I can state what I have seen in the public press, and I suppose I have a right to read what is in the Record, and if I have perhaps I have the right to say that this appears to have been introduced by a gentle-

man who is not a member of the committee that generally takes cognizance of these things, not only not a member of the committee, but I may say without offense to him, a gentleman that in no sense and under no circumstances has a right to speak for American labor.

Without going to a committee the bill goes through the House and comes here. The Senator from South Carolina [Mr. BUTLER] said with great frankness that it was a political movement. I do not find in the RECORD that this bill was drawn in the Solicitor's office, but I hear it outside. I hear that it was sent down from the executive department of the Government in hot haste to the House of Representatives to be passed. I do not know that that is so; I only say that that is the rumor, that is the report. I submit to the Senate, however, that it does not take very much to make one believe that in the quick passage of this bill through the House of Representatives there was something more than a desire to protect American labor against the incursions of Asiatic labor.

If I were to look over the whole House and select a man who would most fitly represent the American people who toil, I should hardly have thought of selecting the man who came hot haste with that bill and who succeeded in passing it through the House as very few men would have been able to do, and he succeeded only because he is a high priest in the Democratic church. It is a bill which could only have been considered by the unanimous consent of the House, the Speaker's recognition being first had. This occurred immediately on the reading and approval of the Journal. He succeeded only because he represents the President of the United States more than any other man in the Democratic party, as he did at St. Louis and as he does everywhere, and who is reported to have contributed ten times as much money to the campaign fund as his Democratic President has given. I do not know whether that is true or not, but I know that so far as he is concerned if he chooses to give \$100,000 to the Democratic campaign fund he has a right to do it. I hear that he is able to do it; that he has made his millions of money out of the laboring men of this country.

Mr. President, I read this in confirmation of my statement as to the manner in which the Scott bill was introduced into Congress, and as to the character of the bill. I do this because the Senator from Delaware [Mr. GRAY] said in substance a few minutes ago on this floor—I shall not attempt to quote his exact language—that great injustice had been done to China and the Chinese people.

Following the [history of the Scott law in the Senate, I find that it was passed in the Senate by 37 votes, with only 3 nays, Senator Brown of Georgia, the Senator from Massachusetts [Mr. HOAR], and the Senator from Iowa [Mr. WILSON], and that the Senator from Delaware [Mr. GRAY] voted for it in the Senate.

If any injustice has ever been done to China in the legislation which has been enacted to restrict the coming of Chinese laborers to this country, it was done by the Scott law. If any injustice was done in the act of May 5, 1892, to China, if there was any violation of treaty, it was in continuing the Scott law for ten years longer under that act.

I agree with those who think that the Scott law violated the treaty. It violated the treaty because under the treaty the Chinese laborers who were already in this country were given the right to go and return at their own free will, but under the Scott law that privilege was cut off entirely as to the Chinese laborers in this country.

Mr. GRAY. Did the Senator vote for the Scott law?

Mr. DOLPH. I did, and on a former occasion I gave my reasons for it, and do not care to repeat them.

It was an attempt to get the Republicans for political purposes in a hole, and we resolved to let the Administration extricate itself as best it could.

I repeat that if the act of May 5, 1892, was a violation of the treaty or was unjust to the Chinese Government or to Chinese subjects in this country, it was from the fact that it extended the Scott act for ten years longer, and that the Scott act was a palpable violation of the treaty. It not only took away from Chinese laborers lawfully in this country, who had a right under the treaty of November 17, 1880, to go and come at free will, to leave the country and return, but it cut off the right of Chinese laborers who had departed from this country with certificates entitling them to return from the right to return, and invalidated their certificates. I think that something over 20,000 Chinese laborers at the time the act was passed were out with certificates entitling them to return.

I am not going to defend the Scott law; I will not deny that it was a violation of the treaty. For that act, I say, the Senator from Delaware voted, and if there was any violation of the treaty with China in the act of 1892, it was by the extension of the Scott act.

The proposition that the provision of the act of 1892 requiring registration was degrading or a violation of the treaty, or in anyway unjust to China, can not be maintained. We had the right, under our treaty with China, to restrict and prevent the coming of Chinese laborers into this country.

The treaty, and the laws which we had passed in pursuance of the treaty, to prevent the coming of Chinese laborers to this country were openly and systematically violated by the Chinese and their representatives in this country, and thousands of Chinese laborers, those who had been out at the time the Scott act was passed with certificates, and others who had never been in this country, and never had a right to come into this country, were being smuggled every day in the year into this country across the boundary between Mexico and the United States and

between British Columbia and the United States, and by steamships coming into our ports upon the Pacific coast. The United States having a right to restrict the coming of Chinese laborers into this country, had the right to enact all necessary legislation to enable it to do so.

If a system of registration was necessary to enable the Government to distinguish between those Chinese lawfully here and those coming unlawfully into this country, certainly the Government had the right under the treaty to enact such a provision for registration. The pretense that that provision was either in violation of the treaty or was degrading to the Chinese or unjust to China, can not be maintained. It was no more degrading to the Chinese than the provision that a citizen of the United States, as I said on a former occasion, should be compelled to register in order to be entitled to vote in his own State or in his own municipality, no more degrading than the requirement of a foreign government that a citizen of the United States shall bring a passport from his government to be entitled to enter or remain within the jurisdiction of that foreign government.

The 13,000 Chinese laborers who did register under that act have not been degraded; on the contrary, they have been benefited. They carry about with them the highest evidence of their right to be here and to remain here unmolested, a shield for their protection.

Mr. President, having said so much in regard to the provision for registration, I desire to say that I have not been very willing to excuse the defiant refusal of the Six Companies to comply with it. It was not the Chinese Government which objected to registration. The Chinese Government has troubled itself very little about this matter of registration. It was not the Chinese laborers who refused to register; they were quite willing to register; it was their masters, the Chinese Six Companies, who gave out their orders that the Chinaman should not register.

I have felt from the start, and that has been my trouble with this bill, that it was not consistent with the dignity of the United States, unasked by the Chinese Government, without any request from any Chinese authority, without even a request from the Chinese subjects in this country, to voluntarily back down, and in the face of the defiance of a class of aliens in this country who have refused to comply with a law of Congress to grant them an extension of time.

I not only discussed that matter in the speech I made early in the session, but I introduced in the Senate a resolution calling for information upon the subject, in order that there might be no mistake as to whether the Chinese Government had or had not asked for this legislation. The answer to that is as follows, without reading the whole of it:

While the Government of China has not formally requested that the time for registration provided by the act of Congress entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, be extended, and no formal assurance has been given that if extended, Chinese laborers in the United States will take out certificates as provided by the act, the Chinese minister has repeatedly asserted, in conference with the undersigned, that his countrymen residing in the United States at the time of the passage of the act, on the advice of eminent counsel and in good faith, refrained from registering within the time allowed, and that it would be unjust to deny them another opportunity to register. The minister more than once has given assurance that an additional opportunity to register would afford his Government great satisfaction.

I read from the letter of the Secretary of State in response to a resolution offered by myself.

Mr. President, notwithstanding I have felt that a vigorous prosecution of the law of Congress would have brought the matter to the attention of China, so that the Chinese—

Mr. GRAY. May I ask the Senator a question?

Mr. DOLPH. I will hear the Senator.

Mr. GRAY. The Senator is from the Pacific coast, and knows a great deal more about these matters than we on this side of the continent would be expected to know. Am I to understand that the Senator from Oregon is, under the circumstances, opposed to extending the time for registration?

Mr. DOLPH. I shall come to that.

Mr. GRAY. I want to know if I am to understand that from what the Senator has said?

Mr. DOLPH. I shall come to that point directly.

Mr. GRAY. Can not the Senator answer either "yes" or "no"?

Mr. DOLPH. No; I will not answer "yes" or "no". I do not choose to answer just now.

Mr. GRAY. All right.

Mr. DOLPH. I had already stated that there was no serious objection in my mind to the extension of the time of registration, it not being inconsistent with the purpose of the original act; that the purpose of the act of May 5, 1892, was not the deportation of Chinese, but that that provision for deportation was merely intended to provide a punishment for a violation of the act. My trouble had not been because I was unwilling, upon a proper application from China, to grant an extension of the time for registration, but because I did not like this Government

being put in the attitude of voluntarily yielding to the defiant opposition of a class of aliens in this country.

Mr. GRAY rose.

Mr. DOLPH. Let me finish. This measure, it is understood, was prepared in the State Department. It is understood to be an Administration measure; that it is desired by the Administration and the responsibility for it is, of course, upon the political majority in Congress. If they choose to put the Government in the attitude in which this bill will put it, I have concluded to make no opposition to the extension of time.

Mr. GRAY. Now, may I ask the Senator again, because I think we ought to deal fairly with each other about this—

Mr. DOLPH. I think I have answered the question.

Mr. GRAY. The Senator comes from a part of the country where he has opportunities of understanding this question which we in the East have not. Whether it is an Administration measure or not, I ask whether the Senator's judgment approves it?

Mr. DOLPH. I never would have introduced a bill or favored a bill in committee or reported a bill to the Senate, providing for an extension of time to register unless China had asked for a modification of the act of 1892. I would not put this country in the attitude of backing down in the face of the defiant opposition of aliens in this country—after the law, which was enacted for the purpose of being observed by them, had been defied; but I am willing to consent, and I have consented, to the report of this bill from the Committee on Foreign Relations, and its enactment here, as it appears to be a measure asked for by this Administration. I shall make no factious opposition to it, indeed I propose to vote for it.

Mr. GRAY. But the Senator will not give us the benefit of his judgment about it?

Mr. DOLPH. I have answered that, and if my answer is not satisfactory to the Senator, he must go without an answer.

Mr. President, I wish to call attention to another matter. If the response of the Secretary of State to the resolution of inquiry offered by myself is deemed satisfactory, if there is sufficient excuse in that for the legislation now proposed to be enacted, if the dignity of this Government is preserved, or if it is deemed proper as a matter of grace or good will toward China to extend the time, then I think that as a matter of grace it would have been better not to have incumbered this bill with other provisions which must be unsatisfactory to the Chinese Government, and I favored the amendment and the reporting of this bill embracing simply the first section, extending the time.

If we are to extend the time for registration, if we are to make a peace offering to China, I do not believe it is wise to couple it with additions to the Geary law which must be unacceptable to the Chinese Government. I do not think anyone has the right to say that the Chinese Government has ever asked for the first section of this bill, or is satisfied with its other provisions. However, if those provisions remain in the bill when it comes to the final vote, I shall vote for the bill as it stands.

Mr. President, the Senator from Delaware, I think it was, went on substantially to state that the Geary act, so far as the deportation of Chinamen who had been arrested was concerned, could not be enforced for want of funds. He said it would cost some six or seven million dollars to deport from the United States all the Chinese unlawfully here. The Senator knows that a Chinese laborer can not be deported until after a decision by a court that he be deported; that it would be impossible to deport all the Chinese in one year or two years or three years. It is impossible that all the cases be heard in that time.

When the Government undertakes a great work of public importance, which is to cost six or seven million dollars, Congress does not appropriate the whole amount at one time, but it appropriates it in small sums. It would be just as reasonable to say that the work should not be commenced because it is to cost \$6,000,000, and only \$100,000 is appropriated, as it would be to say that the work of deporting the Chinese unlawfully in this country should not be commenced because the whole amount necessary to deport all the Chinese in this country has not been provided.

I know that immediately after the expiration of the time allowed by the Geary act for registration, circulars were sent out by the Attorney-General to district attorneys and instructions were sent to officers of the Government not to enforce the provisions of the Geary act providing for deportation, a lack of funds being given as an excuse, but the judge of the southern district of California, in a case tried before him, after the instructions to the district attorney were read in his court, said that the Attorney-General could not say that the money appropriated to execute the Chinese exclusion act was to be used for this or that particular purpose; that as long as there was any portion of the appropriation unexpended it could be applied for the deportation of Chinese. I think the action of the Department of Justice

in this matter, and probably the action of the Department of the Treasury, is justly subject to criticism. I think they had proceeded to enforce the law to the extent possible with the money which had been appropriated for the purpose of executing it. If the money appropriated had been applied to that purpose, long ago the Chinese Government would have come formally to this Government and asked for an extension of time, so that her subjects might be relieved from the consequences of a violation of the provisions of the Geary act.

Mr. STEWART. The Senator is very familiar with the subject, and is a member of the Committee on Foreign Relations. I wish to ask him if we have any assurances that our Government will execute the law, or that the Treasury Department will execute the law, if we pass it? Have there been any assurances of that kind?

Mr. DOLPH. I think the Senator from Nevada is better informed in regard to what the Administration and the various Departments of the Government will do, or may be supposed to do, than I am; and I think I shall not answer that question.

Mr. STEWART. I did not know but that the Senator had some assurances for the future that the Department would respect the law. They have not had any respect for the law in the past.

Mr. DOLPH. The matter stands in this way: Congress, by an act approved May 5, 1892, required that all Chinese laborers in this country entitled to be here should within a year apply for and obtain a certificate as evidence of their right to remain; but a very few, I think only about 13,000 Chinese laborers out of something like 100,000 in this country, applied for certificates, not because they were not willing to apply, but because certain organizations in this country, which controlled the actions of Chinese laborers, refused to permit them to register. Their excuse is that they were advised by eminent lawyers in this country that the act was unconstitutional, but every man who either institutes or defends a law suit is advised by eminent counsel in regard to the merits of his case, and if he goes into court and is unsuccessful, he must abide by the judgment and the decision of the court, and he has no remedy.

By the direction of the Chinese Six Companies the Chinamen did not register; they defied the United States, and defied the law; they allowed the time to expire, and they are subject now to deportation for violation of the law. The Administration has made no determined effort to enforce the law, so far as it requires the deportation of Chinese laborers, but it has substantially come to Congress and asked for legislation to relieve the Chinese laborers from the effect of the violation of the law, and not only to relieve them from that, but to suspend all proceedings which have been taken or which are being had for the deportation of Chinese.

As I said, if China had relieved this Government from the necessity of backing squarely down from the enforcement of its own laws, I should have had no objection to an extension of time for registration. Even now I have concluded to leave the question as to the attitude this Government shall take in regard to this matter to the Administration, and shall vote for the bill.

The junior Senator from Illinois [Mr. PALMER] has found what he thinks is a great injustice to the Chinese people in the provision of the first section, that in case a Chinese laborer refuses during the period of six months allowed by this act to register he shall be taken before a United States judge and shall be deported unless he shall establish to the satisfaction of—

said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the 5th of May, 1892.

It will be observed that this testimony of a witness other than a Chinese witness is not required when a Chinese laborer applies for registration within six months; it is not a matter affecting his excuse for not registering; the proof required is merely to the fact that he was in this country at the time the Geary bill became a law. He may prove everything else and he may excuse his failure to register by Chinese witnesses. That might be a matter about which he might not be able to get white testimony; but certainly the fact that he was here at a certain date he ought to be able to prove by other than Chinese witnesses. I know enough about Chinese testimony to say that if he was not required to prove the fact by other than Chinese testimony there would be no use of requiring proof at all, because you can prove any fact you choose by Chinese testimony, and that my friend from California [Mr. WHITE] knows as well as I do.

Some question was made by the Senator from Connecticut [Mr. HAWLEY] as to whether this act would relieve those Chinese laborers who had already been arrested and ordered deported under the Geary act. It will be seen by reference to page 3 of the printed bill that it is provided—

That no proceedings for a violation of the provisions of said section 6 of

said act of May 5, 1892, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued.

I have no doubt that the deportation of Chinese already ordered deported by the act would be considered as part of the proceedings instituted under the act of May 5, 1892, and that therefore such Chinese would be set at liberty if this bill should pass.

The Senator from Illinois also found some fault with the latter part of the clause at the bottom of page 4, which requires the marshal of the district, in which the order of deportation is made, to execute the same, and provides that—

Pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

I do not think a writ of habeas corpus could be issued upon the application of a Chinaman who has been ordered deported. As a rule, the writ of habeas corpus is not issued to review the final judgment of a court of justice having jurisdiction of the party and the subject-matter, and there can be no question about the court that is given jurisdiction of this proceeding, and there would appear to be no question about the jurisdiction over a party arrested and brought before it. I can not conceive that a writ of habeas corpus would be allowed by any court to reverse or to inquire into the validity of such a judgment. The reason why I presume this provision has been inserted is the reason stated by the junior Senator from California [Mr. PERKINS] a short time ago.

Mr. HOAR. If the Senator will pardon me, it is a question of identity.

Mr. DOLPH. There can be no question of identity, I think, if the Chinaman is not allowed to get out of the custody of the United States marshal. The court would have jurisdiction of the Chinaman arrested, and I suppose would have to determine whether he was entitled to remain, and I do not see how the question of identity could arise.

I wish to repeat what I said before in regard to these provisions. If we are going to give this additional time for registration, going to do this act of—well, you may call it justice to the Chinese Government, if it is considered such—or this act of grace, then I should have preferred that we should stand upon the Geary law and if we refused to modify that, simply give time for registration.

If these other provisions are to remain in the bill, I believe they could have been improved. I doubt very much whether they will not increase the difficulties which will arise in the enforcement of our laws for the restriction of Chinese immigration. I know the Senator from California says—and I agree with him in that matter—that the first clause of section 2 is unwise as now drawn; that the matter of interpreting the word "laborer" or "laborers" should not have been undertaken, but should have been left to the courts, or we should have stopped with the provision that this act should apply to both skilled and unskilled manual laborers, and not have undertaken to provide that Chinese employed in certain industries should be considered Chinese laborers; and that even now that the bill should be amended by striking out that latter clause providing that the term "Chinese laborer" should—

be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in tanning, drying, or otherwise preserving shell or other fish for home consumption or exportation.

Or that we should insert "agriculture and horticulture," and perhaps "lumbering," and some other industries.

Mr. HOAR. I rose with a view of calling the attention of the Senator from Oregon to the very point which he is discussing, and perhaps he will allow me to ask him what he understands by the term "manual laborers" as used in this bill, and whether that term, as commonly used, includes laborers in factories—that is, those whose chief function is attending machinery or operating by means of machinery. Is that "manual labor" within the meaning of the bill?

Mr. DOLPH. I think it is, and I understand that the courts of California have decided that this word "laborer" or the word "laborers," as used in the existing law, includes every one but the excepted classes of Chinese who are entitled to come to this country; that it includes members of the highbinders' organization, who perform no manual labor.

Mr. HOAR. If I understand correctly the word is not "manual laborers" in the old law, but "laborers."

Mr. DOLPH. I do not remember. I can refer to it directly.

Mr. HOAR. I wish to ask the Senator if this is not a very narrow restriction of law? I should object to it on that account. Is it proposed to confine it now to what is to be held by the judges to be included within the term "manual laborer"? The question I wish to raise, about which I have not expressed an opinion, is whether the phrase "manual laborer" as used in this legislation includes men whose main function is working by machinery. I do not think that the skilled laborers of Worcester

ter, in my State, employed in machine shops, working on shoes, or attending looms or spinning machines, would be called "manual laborers."

Mr. SQUIRE. They are called operatives.

Mr. HOAR. I do think the phrase "manual labor" applies to where the chief mechanism is the human hand itself.

Mr. SQUIRE. That is the literal meaning.

Mr. HOAR. This bill may have some other objections. It seems to me, at any rate, that the gentlemen who propose to pass a law, and pass it with a full warning that if the courts anywhere in this country say you have so amended the law that it does not apply to a tenth part of the persons the old law did, are taking something of a risk.

Mr. DOLPH. I am not going to defend the provisions of section 2. I have already given my views in regard to both section 1 and section 2. Early in the session I introduced a bill to appropriate \$500,000, which I thought would be ample and more than enough to execute this law to the 30th of next June. I found I could not procure the report of that bill from the Committee on Foreign Relations with any recommendation, but it was reported without recommendation and referred to the Committee on Appropriations, and I have no idea, from what I understand to be the temper of Congress, that Congress is disposed to appropriate a large amount of money to carry out the existing law. I should much prefer that China had requested some action on the part of this Government before we proceed to legislate, and should prefer, if we are to extend the time, that it be done without these other provisions to which objection can be taken, and which I think ought to be put in better shape if they are to be enacted into law.

I recognize the fact that we are not likely to have a vigorous enforcement of the existing law; and as I can not get a bill to suit me entirely I shall vote for the pending measure, even if it is not amended in the Senate.

Mr. GRAY. How would the Senator suggest that it be amended? Will he propose some amendment?

Mr. DOLPH. The Senator knows that I proposed an amendment in the Committee on Foreign Relations, where I proposed to strike out all but the first section.

Mr. GRAY. Does the Senator offer that as an amendment?

Mr. DOLPH. No; I do not offer it. The Senator from Delaware has reported the bill, I presume, after securing a majority of the committee in favor of the report, and I am not going to antagonize the committee or antagonize the majority in the Senate; but I am not afraid to say that I believe it would be best to pass the bill simply extending the time for registration, leaving out the other provisions which I consider very crude, as they stand; but I understand the request of the Department is that this bill be passed without being amended in order to secure its enactment at this session, by preventing the necessity of its further consideration in the House.

Mr. HOAR. I do not propose to address the Senate at this time, except to call the attention of the Senator from Oregon and of the committee to the proposition of the Senator from Delaware and of the Senator from California.

We have, unless I err in my recollection—and the Senator from Oregon does not differ with me, so far as I know—a law applying to laborers, and we now come here with a bill amending the term "laborers" so that it shall mean "manual laborers" only. Then the bill goes on to say that it shall include certain enumerated classes, fishermen, etc.

There is, therefore, according to the lawmaking power, a distinction between "laborers" and "manual laborers." This bill if it becomes a law will not include hereafter anybody but manual laborers. Now, it is probably in the power of the gentlemen who favor this policy to pass this bill as it stands, without amendment. If they do it, they will not, I am sure, after this warning, when the Administration or the courts hold that they have let out a large number of the persons they seem to desire to reach, come in next year and rebuke and complain of either court or Administration.

Mr. SQUIRE. Mr. President, I submit an amendment to the pending bill, which I ask may be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as section 3, the following:

SEC. 3. That the sum of \$100,000, or so much thereof as shall be required during the fiscal year ending June 30, 1894, be, and the same is hereby, appropriated for the enforcement of the several acts of Congress regulating and prohibiting Chinese immigration.

Mr. SQUIRE. Mr. President, I ask the consideration of the amendment which I have submitted, in order to make some remarks referring to the matter at the present time, because the Senator from Oregon [Mr. DOLPH] has just spoken on that point himself, and has said that he believed it to be the policy of the Administration that there should be no appropriation made in support of the various acts.

Mr. DOLPH. I think the Senator hardly states my remark correctly. I did not mean to say that it was the policy of the Administration that there should be no appropriation. I said in effect that I thought it was doubtful whether we could secure the appropriation, not that the Administration does not want one.

Mr. SQUIRE. I am very glad that the Senator has modified his statement.

Mr. DOLPH. No; I do not modify it. I did not make any such statement.

Mr. SQUIRE. I thought the Senator had made that statement.

Mr. DOLPH. If the Senator raises any question of veracity, I shall ask that my remarks be read by the Reporter.

Mr. SQUIRE. I am not raising any question of veracity. I understood the Senator from Oregon to make the statement that it was not practicable to propose an appropriation because, as he understood, it was not the policy of the present Administration to allow a feature of that kind to be incorporated into this bill or to be passed in the present Congress.

Mr. DOLPH. That is so serious a matter that I must be permitted to say that I did not refer to the Administration at all in connection with the appropriation. I said substantially that early in the session I had introduced a bill to appropriate half a million dollars for the purpose of executing the so-called Geary law until the end of the fiscal year, that that bill was referred to the Committee on Foreign Relations, that I was unable to secure a report from that committee with a recommendation, that the bill was reported back without recommendation and referred to the Committee on Appropriations, and that I believed from what I could ascertain that this Congress was not disposed to make an appropriation of a large amount of money for the purpose of executing the law. I spoke about Congress, and not about the Administration at all. I did not mention the Administration in connection with an appropriation.

I said that the Administration certainly asserted through its proper officers that there is not sufficient money to execute that law. I have criticised them, but I have not intimated that the Administration does not intend that Congress shall make an appropriation to enable it to execute the law.

Mr. SQUIRE. It is on this point that I desire to address a few words to the Senate.

At the time of the passage of the last act relating to the exclusion of Chinese, I took occasion to address the Senate at some length in regard to the general question and the necessity for some method of identifying the Chinese under the law. Just prior to that time, or within the previous year, I had been a member of a select committee of the two Houses of Congress, which had proceeded to the Pacific coast and taken testimony extensively on that subject, of which testimony I hold a copy in my hand. I am familiar with the subject. The committee took a great deal of pains and was very industrious to inquire into all the facts relating not only to the condition of the Chinese and to the relations between them and the other people of the Pacific coast, but as to what measures ought to be taken to restrict their coming into the United States illegally.

It was plainly shown before the committee that they were coming into this country in large numbers over the border from British Columbia into the State of Washington, where there were great facilities existing for their doing so. It was further shown conclusively by the testimony of the United States attorney in San Francisco, and the United States commissioners and by the officers of customs and other officers of the law, that the law had been persistently evaded by the Chinese, and that certificates which were not correct had been substituted for original certificates; that the original certificates had been handed to Chinese not entitled to them upon which certificates Chinese entered at the port of San Francisco. Many other facts were brought out. All those interesting questions relating to the Six Companies and their control of the Chinese in this country, the subject of the Highbinders' Association and the various Chinese organizations were fully brought out in the testimony, and that testimony is before Congress. I am not going into that subject extensively to-day; it is not needful that I should.

I have been, however, extremely interested in the remarks of the Senator from California [Mr. PERKINS]. I indorse all that he has said in relation to the character of the people of the Pacific coast and in relation to the Chinese there, designed to show to the people of the East that the people of the Pacific coast are not unchristian, that they are not unreasonable, that they are simply desirous of protecting their youth, protecting their laborers, and protecting their society. It is not necessary for me to go into the subject generally now.

I propose, however, to draw the attention of the Senate to one point. The great fault of the last legislation enacted by Congress on this subject was that no provision was made for the

execution of the law. This has been perfectly evident, as indicated by the decisions of the United States courts. It was supposed, I believe, at the time of the enactment that provision would be made in one of the appropriation bills for the purpose, but the appropriation was not included in the act called the Geary act, and no sufficient subsequent appropriation was made. We have all seen the lack of vigor which the law possessed by reason of there being no appropriation to carry it out. It seems to me it is high time that we address ourselves to that part of the subject, if we are in earnest as a Congress in this policy which the Government of the United States has long since adopted, and which it is consistently pursuing.

The votes of the members of the House of Representatives, as I understand, have been unanimous—I do not know that I have a right to refer to that in a parliamentary sense here—but it is well known and widely published, I may say, that there was not a single opposing vote in the House of Representatives, and I might have said, perhaps to-day it is evident, that the sentiment of the people, regardless of party, is in favor of the execution of the Chinese exclusion act, and that a suitable appropriation should be made to enforce it. Then why not show that we mean this in earnest? Why not make a reasonable appropriation? That will show the people that we have acted in good faith; that will show the Chinese that we mean business. What is the use of this firing in the air all the time? If we do not appropriate the necessary money to carry out the provisions of the act those provisions will be of no account, comparatively speaking.

Mr. President, I have in my hand two letters from the Secretary of the Treasury, which have been addressed by the Secretary to the Vice-President of the United States, in answer to resolutions of the Senate. The first of these letters goes on to state—I will only read a part of the letter, as it may not be necessary to read it all—

It will be seen that the balance available on the 7th instant—

That is the 7th of September—

for the current fiscal year amounted to \$63,502.13. This amount includes the unexpended balance of the appropriation for the last fiscal year, \$20,692.33. It is estimated that \$38,000 will be required to pay the salaries and necessary expenses of the officers regularly employed to enforce the Chinese exclusion acts for the remainder of the current fiscal year, leaving an estimated balance available for the deportation of Chinese, found to be unlawful within the United States, of \$25,502.13.

Then, the Secretary goes on to make an estimate as to the cost of deporting 10,000 Chinese on the assumption that that number may be disposed of by the courts within the present fiscal year. I am quite willing to have the whole of the letter appear, and perhaps it would be better that it should. I ask that it may be incorporated in my remarks.

The VICE-PRESIDENT. The communication referred to will be inserted in the RECORD in the absence of objection.

The communication is as follows:

Letter from the Secretary of the Treasury, in answer to a resolution of the Senate of the 7th instant, and transmitting a statement of the amounts appropriated and expended in the enforcement of the Chinese exclusion acts.

September 12, 1893.—Laid on the table and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 12, 1893.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated the 7th instant, wherein I am directed to inform the Senate to what extent the appropriations heretofore made for the enforcement of the Chinese exclusion acts have been expended, and what portion of the funds so appropriated are now available, and whether in my opinion it is necessary that a further appropriation be made by Congress in order to carry out the provisions of said acts, and if so, what amount will be required for the current fiscal year.

In reply I inclose herewith a statement showing the amounts appropriated for the purpose above indicated and expended for each year since 1889. It will be seen that the balance available on the 7th instant for the current fiscal year amounted to \$63,502.13. This amount includes the unexpended balance of the appropriation for the last fiscal year, \$20,692.33. It is estimated that \$38,000 will be required to pay the salaries and necessary expenses of the officers regularly employed to enforce the Chinese exclusion acts for the remainder of the current fiscal year, leaving an estimated balance available for the deportation of Chinese found to be unlawful within the United States of \$25,502.13.

It appears by the census report for 1890 that the Chinese population in the United States in that year was 108,688. Of this number 95,477 were located in the Pacific States and Territories. The number who registered under the act of May 5, 1892, is 13,243, leaving 93,445 who failed to avail themselves of the privileges of said act. Assuming that about 10 per cent of these would be entitled to exemption as merchants, students, actors, and others of the exempt class, there would remain, say, 85,000 liable to deportation under the law. The lowest cost for transporting Chinamen from San Francisco to Hongkong is \$35 per capita. Other expenses incident to the arrest, trial, and inland transportation would average not less than \$35 per capita. If, therefore, all of those above referred to who are not registered should be transported to China, the cost involved would aggregate in round numbers, say, \$6,000,000. This, in my opinion, would be a moderate estimate of the amount required to carry out the provisions of said act.

I am unable to furnish an accurate estimate of the number who might be deported during the remainder of the current fiscal year, the matter being largely dependent upon the action of the courts. Assuming that the courts

would be able to dispose of ten thousand cases during such period the amount required would not be less than \$700,000.

Respectfully yours,

J. G. CARLISLE, Secretary.

HON. A. E. STEVENSON,
Vice-President, United States Senate.

Enforcement of the Chinese exclusion act.

1889.		
Appropriated.....		\$50,000.00
Expended, 1889.....	\$5,388.50	
Expended, 1890.....	1,000.00	
Repayment, 1891.....		210.25
Surplus fund, 1891.....	43,821.75	
	50,210.25	50,210.25
1890.		
Appropriated.....		\$30,000.00
Expended, 1890.....	\$20,000.00	
Expended, 1891.....	8,759.27	
Surplus fund, 1892.....	1,240.73	
	30,000.00	30,000.00
1891.		
Appropriated.....		\$50,000.00
Expended, 1891.....	\$40,400.00	
Expended, 1892.....	4,581.75	
Expended, 1893.....	264.35	
Repayment, 1893.....		731.18
Surplus fund, 1893.....	5,485.08	
	50,731.18	50,731.18
1892.		
Appropriated.....		\$60,000.00
Expended, 1892.....	\$58,439.95	
Expended, 1893.....	1,506.06	
Balance on hand.....	53.99	
	60,000.00	60,000.00
1893.		
Appropriated.....		\$100,000.00
Expended, 1893.....	\$73,842.59	
Expended, 1894.....	5,465.08	
Balance on hand September 7, 1893.....	20,692.33	
	100,000.00	100,000.00
1894.		
Appropriated.....		50,000.00
Expended.....	7,190.20	
Balance on hand September 7, 1893.....	42,809.80	
	50,000.00	50,000.00
Balance on account of 1893.....		20,692.33
Balance on account of 1894.....		42,809.80
		63,502.13

Mr. SQUIRE. In the first letter the amount has been placed at \$700,000 required to dispose of 10,000 cases during the period of the present fiscal year, ending June 30 next.

I submit the second letter entire, as it is short.

The letter referred to is as follows:

Letter from the Secretary of the Treasury, giving additional information in regard to the enforcement of the Chinese exclusion act in response to Senate resolution September 7.

October 6, 1893.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 4, 1893.

SIR: Referring to the official communication sent to you on the 12th ultimo in reply to Senate resolution concerning the appropriation for the enforcement of the Chinese exclusion act, I have the honor to inform you that this Department has since been advised that the steamship companies have increased their rates for the transportation of Chinese from San Francisco to Hongkong from \$35 per capita to \$51 per capita for steerage passage.

There should therefore be added the sum of \$16 per capita to the estimated cost of deportation, or \$1,360,000, making a total estimated cost of about \$7,360,000. Upon a basis of 10,000 to be deported during the current fiscal year the amount required would be \$860,000 instead of \$700,000, as heretofore stated.

I inclose herewith copy of a letter from the First Auditor, in which he estimates that the expenses are not less than \$35 per capita in each case where a Chinese person is arrested and tried under the exclusion acts, now paid from the judiciary appropriation.

This would be in addition to the estimates above given and would increase the grand total to \$1,335,000.

Respectfully yours,

C. S. HAMLIN, Acting Secretary.

HON. A. E. STEVENSON,
Vice-President of the United States.

TREASURY DEPARTMENT, OFFICE OF THE FIRST AUDITOR,
Washington, D. C., September 15, 1893.

SIR: Permit me to respectfully call your attention to the fact that in making up the estimates of cost to the United States of enforcing the Chinese exclusion act, no mention is made of that part of the expenditure paid from the regular appropriations for the expenses of the United States courts.

It is impossible to make even an approximately accurate estimate of the amount for which the judiciary appropriations will be liable, but from the best information obtainable I am of the opinion that \$35 per capita will be a very low estimate for California, while the cost per capita for such Chinese persons resident in other States will be much greater than the sum named.

As an example of the maximum of such costs I have before me an account of the United States marshal for the State of Washington, in which his fees in certain deportation cases reach \$150 per capita. The consensus of opinion of those who handle such accounts places the cost of arrest and trial at \$50 per capita throughout the whole country, including California. You will understand that the expenses herein noted all occur before the appropriation for enforcement of the Chinese exclusion act is called upon, and all such expenses are payable from the several judiciary appropriations.

I beg also to call your attention to section 4 of the exclusion act, and in that connection to state that the estimates hereinbefore made do not include the cost of confinement as provided for in the section referred to.

The cost to the United States of each convict confined in California is 50 cents per day, in Washington \$1 per day, and in addition each prisoner receives on his release "a good suit of clothes and \$15 in money." I do not presume to place an interpretation upon section 4 above cited, and only give the cost of confinement in order that you may have the information necessary to an amended estimate should you deem such a course expedient.

Respectfully,

HON. JOHN G. CARLISLE,
Secretary of the Treasury.

E. P. BALDWIN, *First Auditor.*

In the second letter there has been an additional calculation based upon the additional cost per capita of deportation; so that the Secretary estimates that the total cost for transporting the same number would be, including the court expenses, which are estimated to be \$35 per capita, in all \$10,335,000.

Mr. President, the amendment proposed by me is simply that an appropriation be made of \$100,000. Of course that amount seems very small in comparison with the amount stated to be required by the Secretary of the Treasury, but it should be said in this connection that no one expects that the Chinese will be deported in wholesale numbers.

It is simply in the exercise of such judgment as Congress may possess that it will appropriate a reasonable amount of money to show good faith, to give notice to the Chinese that they are to be dealt with if they do not register. That is all there is of it. It is just like any other penalty for the commission of a misdemeanor or a crime. As I understand, the Chinese have been dealt with in the State of California for misdemeanor, and for infringing upon the various ordinances of the city of San Francisco; they have been placed in the prisons and in the jails of that city until these places of confinement were crowded, and it became impossible to incarcerate all of those convicted. In that way the Chinese were enabled to set the law at defiance. They saw that the ordinary machinery of the law was not sufficient, and that provision could not be made for their incarceration. Therefore, as I understand the matter, provision was made in the act which at present exists, and which it is proposed to amend, for the deportation of the Chinese as a penalty.

Would it not be wise and proper for us to make an appropriation? In every year prior to the present there has been an appropriation made. In the year 1889 there was an appropriation of \$50,000; in 1890 an appropriation of \$30,000; in 1891 an appropriation of \$50,000; in 1892 an appropriation of \$60,000; in 1893 an appropriation of \$100,000, and for the year 1894 an appropriation of \$50,000.

Mr. President, I am not proposing to provide a sufficient fund to deport the Chinese in very large numbers. I do not think it is necessary in order to sustain the dignity of the law, but I do think it is necessary to provide a sufficient appropriation to show the intention of the Government. Senators will perhaps remember the old story of Lord Eldon, who for about forty years sat upon the bench, an illustrious chancellor of the court of Great Britain.

When a criminal was brought before him charged with stealing a horse which was just above the value of an English shilling, and was asked by the judge what he had to say why sentence of death should not be pronounced upon him he replied, "My Lord, it seems very hard that a man should be sentenced to death for stealing a horse of just above the value of a shilling." (The crime of horse-stealing was one of about sixty offenses punishable at that time by the death penalty.) The memorable answer of Lord Eldon was, "Sir, you are not to be punished because you have stolen a horse of just above the value of a shilling, but that horses may not be stolen."

This involves the whole principle, as I understand it, of the criminal jurisprudence of this and all other lands. The penalty is to be as a deterrent. If the sum of money be provided and the machinery of the law shall go into effect so that these Chinese who fail to register shall be actually deported in exemplary number, the effect as a deterrent will be immense upon those who have failed to register. I believe many of them will proceed to register in any event. I believe they have been led to see that they erred in judgment in failing to register heretofore. But there will be others who will be encouraged by shrewd and able attorneys to resist, unless Congress shall make plain and emphatic the intention of this Government.

We do not know positively what attitude the Six Companies will take on the subject. I believe if a sufficient appropriation be made to show that the Government intends to prosecute these

illegal denizens and actually to deport them, then the Six Companies will take notice accordingly and will advise the Chinese residents on the Pacific coast to promptly register.

Therefore it is, Mr. President, that I hope that this sum, the very small sum of \$100,000, may be appropriated in this bill; and if it be not deemed best that the amount should reach so large a sum as that, then I think certainly the sum of \$50,000 should be appropriated.

I am not speaking unadvisedly on this subject. I have conferred with those who have been active in either House of Congress upon it, and I believe it is the wish of those who are the best informed on the subject, those members of Congress who reside on the Pacific coast, that there be something effectively done by Congress at this time to show the people of the Pacific coast that the Congress of the United States are in earnest and to show the Chinese that they can not defy the law with impunity.

Now, Mr. President, I feel confident that my past record upon according to the Chinese their full rights and their full protection under the law will acquit me of any disposition to inflict upon these aliens any injury. It was believed that at the risk of my life, as it was my bounden duty to do, I protected many of them against the attacks of great, angry, turbulent mobs, when these Chinese were attacked in the Territory of Washington, of which I then held the office of governor. After these Chinese had been violently driven out of the city of Tacoma en masse, and after their habitations had been burned, I proceeded, at the request of the honorable Secretary of State, to investigate all the history of this and other attacks upon the Chinese in the Territory of Washington, and to ascertain the damages thereby inflicted upon them. Upon this investigation I had the honor to make a report to the Secretary of State, then Mr. Bayard, and to receive his thanks therefor. I may also state that I subsequently received an expression of the thanks of Chinese officials in this country.

I am not now in favor of persecuting these people, or of treating them unfairly.

Although widely different in habits and character from those of our own race, although utterly unassimilative to our blood and institutions, these children of the Orient are here under theegis of the law. They should be protected while they are here. The provisions of the present law, coupled with those of the proposed enactment, seem to me to be for their benefit and protection, if they would only avail themselves of these benefits.

The people of the Pacific coast have had a hard fight upon this question. Their motives have been largely misunderstood and misrepresented among the philanthropic people of the East. The provisions of the proposed enactment are simply to prevent fraud and evasion of the existing law of the United States. I have thought carefully upon the subject, and as I have stated, I have made investigation as chairman of the special committee which was last deputed to inquire into the subject by this body, and I see no other way to make the policy of the United States Government effective except by providing for the registration and accurate identification of the Chinese who are entitled under the law to remain in this country.

I believe that all treaties agreed to by this Government are in their nature subordinate to the laws of this country. It stands to reason that no act of the Executive and of the Senate can be superior to a law enacted by both branches of Congress and approved by the Executive. If such a law contravenes a treaty, that treaty must either give way or be relegated to the field of diplomacy for modification into accord with the law of the United States. All nations, or at least all denizens, within our limits are bound to take notice of our laws. It is claimed by some people that our legislation has violated our solemn treaty obligations to China. This I do not admit. But I will not now enter into a discussion of this branch of the subject.

Suffice it to say that the attitude of the United States has been already taken. It is simply a question of providing suitable safeguards, and, as I hold, what is still more important, the means to be provided for the execution of the existing law. The policy of this Government has been declared and established. Are we to recede from it, or to make it effective by suitable additional legislation? It seems to me that the dignity of this Government and its attitude on this question require a reasonable appropriation to provide for the execution of the law. This Government has said, "I will;" now let this Government say, "I do," otherwise, we only say, This is what we would do, but we are not able to do it. I am unable to conceive that the present Administration can refuse its assent to the proposed appropriation.

Mr. GRAY. Mr. President, I rise to say merely a word. As I have already said there are some things about the bill that I would have had differently if I could have had my way; but I

realize the fact that any amendment to the bill if adopted will defeat it, and no amendment, however wise it might be, can I give my consent to vote for, because I would consider it inimical to the passage of the bill.

As to the matter of an appropriation, it would be well enough perhaps under other circumstances, but I am informed and believe that the present funds at the disposition of the Department will be quite sufficient to defray any immediate expenses which may be entailed upon the Department if the bill should pass in its present shape; in other words, that there would be a necessity for little or no expenditure of money; and if the bill should not pass \$100,000 would be as inadequate as 100 cents; it would take six or seven million dollars. I hope that no amendment will be put upon the bill, however plausible or however wise it may seem, because it means hostility to the bill.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. SQUIRE].

Mr. FRYE. Mr. President, I simply desire to say, because I do not want to occupy the time of the Senate at all, that as a member of the Committee on Foreign Relations, I was not in favor and I am not now in favor of the pending bill. I believe that the Geary law as it passed Congress was a violation of all of our treaty obligations; that it dishonored the nation. I believe, morally, the law was a crime, and commercially, I know it was a blunder. I have no friendship for the bill or for any bill of a like kind.

Mr. SQUIRE. I ask the Senator from Delaware to explain a little more in detail why he thinks a vote for the pending amendment would be a vote against the bill.

Mr. GRAY. Because I believe it impossible in the remaining hours of this session (as it is believed that the present session will be numbered by hours) to adopt any amendment that might be passed in the other branch of Congress.

Mr. FRYE. It would have to go to the Committee of the Whole in the other House.

Mr. GRAY. Therefore I believe, and I have so expressed myself, that the only thing to relieve the present situation is to pass the bill without amendment. Unless there is some Senator on either side who wishes to address the Senate on the bill, I will move that the Senate proceed to the consideration of executive business at this time, and let the matter go over until to-morrow.

Mr. WHITE of California. I will state to the Senator from Delaware that I have been informed there are two or three Senators who desire to address the Senate on the subject, and I myself desire to do so, more for the purpose of answering questions than for anything else. However, there are two or three Senators I think who desire to address the Senate.

Mr. GRAY. If there are no other Senators who desire to speak this evening, I wish to say that it is exceedingly important, in my opinion and in the opinion of those who agree with me about the bill, that we should have a vote upon it as early a day as practicable; and I ask the Senate to agree to vote on the bill to-morrow at 4 o'clock, unless the debate should cease before that time.

Mr. DOLPH (to Mr. GRAY). See if you can not obtain unanimous consent.

Mr. GRAY. I ask unanimous consent, of course.

Mr. DAVIS rose.

Mr. GRAY. There is a great desire, as Senators well know, to adjourn after the exhaustive labors of the present session, and it seems to me that all that need be said on either side of the question can be said to-morrow by the time I have named. I make the appeal in the interest of the public service that we shall reach a vote to-morrow before we adjourn. If any hour later than 4 o'clock will suit Senators, of course that hour can be fixed. I ask unanimous consent that we shall take the vote upon the bill to-morrow at 4 o'clock, unless some later hour to-morrow be more agreeable.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Delaware?

Mr. DAVIS. I have no impediment to offer to the speedy disposition of the bill. I desire to address the Senate briefly upon it. I can not do it to-day, for I wish to obtain some data, and I do not want to be cut out by any arbitrary fixing of the hour to-morrow when the vote shall be taken. How many Senators desire to speak upon the bill I do not know. I understand the Senator from California [Mr. WHITE] designs to speak in reply to any objections which may be offered to the passage of the bill, and I hoped to have the pleasure of hearing him before I submitted any remarks of my own, for I sincerely desire to be enlightened upon the subject.

Mr. GRAY. I will merely say there is a hope expressed on all sides over here that we may be able to adjourn the day after to-morrow. I should be one of the last to wish to debar the Senator from Minnesota from saying all that he wishes to say.

In fact I would wish to hear all he might desire to say upon this bill as I would desire to hear him upon any other measure; and if a later hour to-morrow would be more agreeable, we might fix, say, 6 o'clock, unless debate ceases before that time. I will extend the time indicated in the request, and ask the Senate to agree that a vote shall be taken on the bill at 6 o'clock to-morrow unless the debate ceases before that hour.

Mr. CALL. I am not at all disposed to delay the bill; but I wish to submit a few brief observations upon it, and with that understanding I shall have no objection to the arrangement suggested.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Delaware?

Mr. HOAR. I think it quite probable, indeed almost certain, that the debate will be over long before the time the Senator from Delaware suggests, but I would rather not give my consent now to bind the Senate. I do not believe there will be any trouble about reaching a vote tomorrow.

The VICE-PRESIDENT. There is objection to the request of the Senator from Delaware.

EXECUTIVE SESSION.

Mr. GRAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were reopened and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until tomorrow, Thursday, November 2, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate November 1, 1893.

PENSION AGENT.

William B. Anderson, of Mount Vernon, Ill., to be pension agent at Chicago, Ill., vice Isaac Clements, to be removed.

COMMISSIONERS TO NEGOTIATE WITH INDIANS.

Henry L. Dawes, of Pittsfield, Mass., to be a commissioner to negotiate with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, and the Seminole Nation, under the provisions of an act of Congress approved March 3, 1893 (27 Statutes, page 612).

Meredith H. Kidd, of Wabash, Ind., to be a commissioner to negotiate with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, and the Seminole Nation, under the provisions of the act of Congress approved March 3, 1893 (27 Statutes, page 612).

Archibald S. McKennon, of Clarksville, Ark., to be a commissioner to negotiate with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, and the Seminole Nation, under the provisions of the act of Congress approved March 3, 1893 (27 Statutes, page 612).

INDIAN AGENTS.

David F. Day, of Durango, Colo., to be agent for the Indians of the Southern Ute Agency in Colorado, vice Maj. Henry B. Freeman, Sixteenth Infantry, to be relieved of detail as acting Indian agent at said agency.

George Harper, of Carrollton, Ga., to be agent for the Indians of the Umatilla Agency in Oregon, vice John W. Crawford, to be removed.

POSTMASTERS.

Norris C. Bacheiler, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin, in the place of Robert A. Scott, removed.

William D. Merrill, to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin, in the place of Edward Whaley, removed.

Winfield E. Tripp, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. George F. Cooke, Fifteenth Infantry, to be captain October 30, 1893, vice Hedberg, Fifteenth Infantry, deceased.

Second Lieut. Marcus Maxwell, Fifteenth Infantry, to be first lieutenant October 30, 1893, vice Cooke, Fifteenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 28, 1893.

PROMOTIONS IN THE NAVY.

Lieut. Commander Henry W. Lyon, to be a commander.

Lieut. Franklin J. Drake, to be a lieutenant-commander.

Lieut. (junior grade) Thomas S. Rogers, to be a lieutenant.
Ensign Hugh Rodman, to be a lieutenant, junior grade.

Executive nomination confirmed by the Senate October 31, 1893.

CONSUL.

Edgar Schramm, of San Antonio, Tex., to be consul of the United States at Montevideo, Uruguay.

Executive nominations confirmed by the Senate November 1, 1893.

ASSISTANT SECRETARY OF STATE.

Edwin F. Uhl, of Michigan, to be Assistant Secretary of State.

CONSULS.

John R. Meade, of New London, Conn., to be consul of the United States at Santo Domingo.

Jacob E. Dart, of Georgia, to be consul of the United States at Guadeloupe, West Indies.

Doctor H. Sommer, jr., of Pennsylvania, to be consul of the United States at Bombay, British India.

J. Edward Nettles, of Darlington, S. C., to be consul of the United States at Trieste, Austria.

Henry C. Morris, of Illinois, to be consul of the United States at Ghent, Belgium.

John D. Hall, of Connecticut, to be consul of the United States at San Juan, Puerto Rico.

Robert P. Poole, of Brooklyn, N. Y., to be consul of the United States at Sierre Leone, Africa.

David N. Burke, of New York, now consul at Pernambuco, Brazil, to be consul of the United States at Malaga, Spain.

Robert J. Kirk, of South Carolina, to be consul of the United States at Copenhagen, Denmark.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Edward T. Comegys, assistant surgeon, to be surgeon.

ASSOCIATE JUSTICE OF NEW MEXICO.

Needham C. Collier, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico.

RECEIVER OF PUBLIC MONEYS.

Preston A. Griffith, of Kearney, Nebr., to be receiver of public moneys at Sidney, Nebr.

INDIAN COMMISSIONERS.

Henry L. Dawes, of Pittsfield, Mass., Meredith H. Kidd, of Wabash, Ind., Archibald S. McKennon, of Clarkesville, Ark., commissioners to negotiate with the Cherokee, Choctaw, and Chickasaw Nations, the Muscogee or Creek Nation, and the Seminole Nation of Indians.

POSTMASTERS.

William R. Ker, to be postmaster at Calais, in the county of Washington and State of Maine.

John D. Hanrahan, to be postmaster at Rutland, in the county of Rutland and State of Vermont.

Bright B. Nunnally, to be postmaster at Marianna, in the county of Lee and State of Arkansas.

Fannie T. McMillan, to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas.

Thomas W. Baldwin, to be postmaster at Argenta, in the county of Pulaski and State of Arkansas.

James R. McAlister, to be postmaster at Bowling Green, in the county of Pike and State of Missouri.

John Dailey, to be postmaster at Monett, in the county of Barry and State of Missouri.

Joseph A. Black, to be postmaster at Carrollton, in the county of Carroll and State of Missouri.

John P. Ehlinger, to be postmaster at Lagrange, in the county of Fayette and State of Texas.

Mrs. Nora Boothe, to be postmaster at Del Rio, in the county of Valverde and State of Texas.

Sloan M. Young, to be postmaster at Savannah, in the county of Andrew and State of Missouri.

Benjamin F. Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

Lee H. Vance, to be postmaster at Clarksburg, in the county of Harrison and State of West Virginia.

Mrs. M. J. Gardiner, to be postmaster at Anaheim, in the county of Orange and State of California.

John A. St. Clair, to be postmaster at Benton, in the county of Franklin and State of Illinois.

Henry C. Feltman, to be postmaster at Salem, in the county of Marion and State of Illinois.

Minnie Pulford, to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana.

William H. Camp, to be postmaster at Canaan, in the county of Litchfield and State of Connecticut.

Daniel F. Davis, to be postmaster at Columbus, in the county of Platte and State of Nebraska.

Reuben J. Rushing, to be postmaster at Pinckneyville, in the county of Perry and State of Illinois.

Frank M. Roth, to be postmaster at Norwalk, in the county of Huron and State of Ohio.

Palmer K. Shankland, to be postmaster at Jamestown, in the county of Chautauqua and State of New York.

John K. Stuart, to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut.

Silas J. Brandon, to be postmaster at Auburn, in the county of De Kalb and State of Indiana.

Lucius O. Bishop, to be postmaster at Clinton, in the county of Vermilion and State of Indiana.

George W. Lewis, to be postmaster at Santa Rosa, in the county of Sonoma and State of California.

Thomas R. Kyle, to be postmaster at Tecumseh, in the county of Lenawee and State of Michigan.

Alphonso Brown, to be postmaster at Frankfort, in the county of Benzie and State of Michigan.

Patrick Dillon, to be postmaster at Haughville, in the county of Marion and State of Indiana.

Duane E. Geer, to be postmaster at Ellendale, in the county of Dickey and State of North Dakota.

Hattie A. Lynch, to be postmaster at Oakes, in the county of Dickey and State of North Dakota.

William H. Todd, to be postmaster at Spearfish, in the county of Lawrence and State of South Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, November 1, 1893.

The House met at 12 o'clock m. Prayer by Rev. E. B. BAGBY, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

ELECTION OF CHAPLAIN.

Mr. HOLMAN. Mr. Speaker, I submit the resolution which I send to the desk, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That Edward B. Bagby, of the City of Washington, D. C., be, and he is hereby elected Chaplain of the Fifty-third Congress, to fill the vacancy caused by the death of Samuel W. Haddaway.

The resolution was adopted.

On motion of Mr. HOLMAN, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

The Rev. Mr. Bagby then appeared at the bar of the House and was sworn into office by the Speaker.

DEFICIENCIES IN APPROPRIATIONS FOR EXPENSES OF LAND OFFICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiencies in the appropriations for the expenses of the Land Office for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

ENTRIES UNDER THE DESERT-LAND ACT.

The SPEAKER laid before the House an act (S. 592) to extend the time for making final payment on entries under the desert-land act; which was referred to the Committee on Irrigation of Arid Lands.

UNITED STATES COURTS IN SOUTH DAKOTA.

The SPEAKER laid before the House a bill (H. R. 2799) to provide for the time and place of holding the terms of United States circuit and district courts in South Dakota, with amendments of the Senate thereto.

Mr. OATES. Mr. Speaker, on yesterday I had some conversation with one of the gentlemen representing South Dakota [Mr. LUCAS], and I understood that he desired concurrence in the Senate amendments to this bill; but this morning I have received a telegram from Mr. PICKLER, the author of the bill, expressing a desire that it be postponed until he can look into the subject. I therefore ask that the bill lie on the Speaker's table for the present.

The SPEAKER. Without objection this bill will lie on the Speaker's table until the return of the gentleman from South Dakota [Mr. PICKLER].

There was no objection, and it was so ordered.

NEW YORK AND NEW JERSEY BRIDGE.

The SPEAKER also laid before the House a bill (H. R. 3289) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey, with amendments of the Senate thereto.